



OFFICE OF  
COUNTY SOLICITOR  
ESCAMBIA COUNTY  
COURT OF RECORD BUILDING  
PENSACOLA, FLORIDA

JOHN L. REESE  
COUNTY SOLICITOR  
PHONE 8-4644

January 15, 1954

3179

FEB 10 REC'D

ASSISTANTS

THOMAS E. LEWIS  
J. MONTROSE EDREHH  
JOHN I. BERRY

Hon. Kenneth Cooper  
State Attorney  
Bay Minnette, Alabama

Dear Mr. Cooper:

Returned herewith are the papers you left me in connection with proceeding under the Alabama Uniform Support Law brought by Annie D. Welch against J. D. Welch and Johnny Welch, her sons residing in Escambia County, Florida. I discussed this matter yesterday afternoon with the Honorable Ernest Mason, Judge of the Court of Record. He is of the opinion that this case could not be considered here under the Uniform Support of Dependents Law because as pointed out to you yesterday a dependent of our law is defined as a wife or child which precludes a parent proceeding against a child for support. Since the petitioners must bear the filing costs and costs of service I believe it would be useless to have this case certified from the Circuit Court of Baldwin County to one of the courts in Escambia County. I do not believe that Mrs. Welch could proceed on the theory of full faith and credit being given the Baldwin County decree because I understood from you that it was rendered without personal service on the defendants.

I regret that circumstances seem to preclude my assisting you in the case in question, and assuring you of our desire to cooperate in all matters of mutual interest and with kindest personal regards, I remain

Sincerely yours,

  
THOMAS E. LEWIS

TEL/jh  
enclosure

STATE OF ALABAMA  
CIRCUIT COURT OF BALDWIN COUNTY  
IN EQUITY

ANNIE D. WELCH,

Petitioner,

vs.

J.D. WELCH And

JOHNNY WELCH,

Docket No. 3179

Respondents.

The undersigned Judge of the Circuit Court of Baldwin County, Alabama, in Equity, hereby certifies:

1. That on January 12, 1954, a petition was verified by the above named petitioner and duly filed in this Court in a proceeding against the above named respondents commenced under the provisions of the Uniform Reciprocal Enforcement of Support Act to compel the support of the dependent named in the petition.

2. That the above named respondents are believed to be residing or domiciled in Pensacola, Florida, and that the Circuit Court of Escambia County, Florida, may obtain jurisdiction of the respondents or their property.

3. That the undersigned, a Judge of the Circuit Court of Baldwin County, Alabama, has examined the petition made under oath; and that according to the petition the needs of the dependent named in the petition for support from the respondents are the sum of \$12.50 per month from the respondent J.D. WELCH and the sum of \$50.00 per month from the respondent JOHNNY WELCH.

4. That in the opinion of the undersigned Judge of the Circuit Court of Baldwin County, Alabama, the respondents should be compelled to answer such petition and be dealt with according to law.

Wherefore, it is hereby Ordered that this certificate together with certified copies of the petition and complaint be transmitted to the Circuit Court of Escambia County, Florida.

Hubert M. Hall  
Circuit Judge.

Done this 12th day of January, 1954.

ANNIE D. WELCH,  
Complainant

Vs.

J.D. WELCH AND  
JOHNNY WELCH,

Respondents.

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

TO THE HONORABLE HUBERT M. HALL, CIRCUIT JUDGE OF BALDWIN COUNTY,  
ALABAMA, IN EQUITY SITTING:

Comes Annie D. Welch and brings this, her complaint, under the provisions of Public Act No. 694, Regular Session of the 1951, Alabama Legislature, approved September 5, 1951, hereinafter referred to as the Alabama Relatives Responsibility Act, and respectfully shows unto the Court:

(1) That she is over the age of 21 years, and is a resident of Baldwin County, Alabama.

(2) That she is a needy person as defined by Section 3 of said Act, without other means of support, and one who is eligible for public assistance under the laws of this State; that J.D. Welch and Johnny Welch, hereby made parties respondents to this bill, are each over the age of 21 years, and are residents of Escambia County, Florida.

(3) That J.D. Welch and Johnny Welch under section 4 B of said Act hereinabove referred to, are responsible relatives of your complainant, to-wit both are sons, and are financially able and in duty bound to contribute to the support of your petitioner and applicant to the extent determined by the Baldwin County Department of Public Welfare, as hereinafter recited.

(4) That the said Annie D. Welch, under Section 5 of said act hereinabove referred to, has a cause of action for support established by said Act against the said J.D. Welch and Johnny Welch.

(5) That the Baldwin County Department of Public Welfare did, on, to-wit, the 5th day of March, 1953, make a determination as to the financial liability of the above named J.D. Welch and

Johnny Welch for contributions to your complainant's support, said determination being in accordance with the contribution scale established by Section 3 of the above named act, and being fixed at \$12.50 per month for J.D. Welch and \$50.00 per month for Johnny Welch; that as of the date of the filing of this bill, there is due and payable to your complainant from respondents the sum of four hundred and fifty dollars, accumulated contributions for which said respondents are liable to complainant under the terms of said Relatives' Responsibility Act.

(6) That said Baldwin County Department of Public Welfare of Baldwin County, Alabama, has notified J.D. Welch and Johnny Welch, in writing, of the amount of the contribution said J.D. Welch and Johnny Welch have the responsibility of contributing to your complainant, Annie D. Welch.

(7) That said J.D. Welch and Johnny Welch have failed or refused to provide for the support of your said complainant the amount determined by the Baldwin County, Alabama, Department of Public Welfare and have not made said contributions to your complainant's support.

Wherefore, Premises Considered, your complainant prays that this Honorable Court will take jurisdiction in the premises, and the respondents named herein, J.D. Welch and Johnny Welch, be made parties respondents hereto; that upon a hearing of this matter, the court will adjudge and decree that the said J.D. Welch and Johnny Welch are responsible for support of complainant, in the manner and form as hereinabove alleged, and that the court will award the complainant judgment in the sum of sixty-two dollars and fifty cents per month, and will further enter a judgment and decree against the said J.D. Welch and Johnny Welch for all accumulated contributions now due the said complainant, which are at the time of filing this bill the sum of, to-wit four hundred and fifty dollars; that the Court will provide for all future contributions from the said J.D. Welch and Johnny Welch to the support of the said Annie D. Welch as the facts may justify; and that each respondent's responsibility of support to

the complainant, Annie D. Welch, be enforced under the provisions of the Reciprocal Support of Dependents Act, as enacted by the Alabama Legislature, Act No. 879, approved September 12, 1951.

And complainant further prays, that if it be mistaken in the relief specifically herein prayed for, that it be granted all such other, further, different and general relief, to which it may be entitled in the premises.

Annie D. Welch

Complainant.

VERIFICATION

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice J. Duck, Register, In Equity, personally appeared Annie D. Welch, who, by me being first duly sworn, doth depose and state that she has read the foregoing petition, that she has knowledge of the facts therein stated, and that same are true.

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Register, In Equity

The State of Alabama,  
Baldwin County.

Juvenile Court of Baldwin County

Personally appeared before me, Alice J. Duck, Clerk of the Juvenile

Court of Baldwin County, Alabama,----- who, being by me  
Annie D. Welch

first duly sworn, saith, that J. D. Welch and Johnny Welch, sons,  
a husband, did, within twelve months before the making of this affidavit, without just cause, desert or will-  
fully neglect or refuse to provide for the support and maintenance of their Mother, said wife, being then  
and there in destitute or necessitous circumstances, and that their Mother, is now in Baldwin County,  
XXXXXX XXXXXXXX  
XXXXXX XXXXXXXX

Against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this

12th day of Jan., 1954

Clerk of the Juvenile Court, of Baldwin County

# WARRANT OF ARREST

THE STATE OF ALABAMA,  
Baldwin County

Juvenile Court of Baldwin County.

TO ANY LAWFUL OFFICER OF SAID COUNTY—GREETING:

You are hereby commanded to arrest

and bring him before the Juvenile Court of Baldwin County, Alabama, at the usual place of holding same, in Baldwin County, Alabama, at \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, then and there to answer the State of Alabama on a charge of desertion or non-support preferred by

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Clerk of the Juvenile Court of Baldwin County, Ala.

Witness for State.

Residence

:  
STATE OF ALABAMA :  
BALDWIN COUNTY. :  
: IN THE  
JUVENILE COURT OF BALDWIN COUNTY,  
ALABAMA. February 16, 1954.  
:

IN THE MATTER OF ANNIE D. WELCH:

In this cause a petition was filed by Annie D. Welch on the 12th day of January, 1954, commenced under the provisions of the Uniform Reciprocal Enforcement of Support Act, to compel support for herself from her two sons, J. D. Welch and Johnny Welch, both residents of the State of Florida.

Upon proper presentment of said petition to the County Solicitor of Escambia County, Florida, and its consideration by the Honorable Ernest Mason, Judge of the Court of Record of said County, and refusal by said Judge to proceed in this matter under provisions of the Florida Uniform Support of Dependents Law because a parent cannot proceed against a child for support,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that this case be dismissed and that no filing fees allowed.

Done this 16th day of February, 1954.

Hubert M. 7th  
Judge of the Juvenile Court of Baldwin  
County, Alabama.