

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

Ruby M. Wilsey, Complainant

vs.

James H. Wilsey, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on Answer and 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

Ruby M. Wilsey is forever divorced from the said James H. Wilsey for and on account of

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Complainant be and she is hereby awarded the care, custody and control of the two minor children, Oscar Janet Wilsey and James Tucker Wilsey with the right of the respondent to visit the children at reasonable times and have them visit him at reasonable times and for reasonable periods.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Respondent pay to the Complainant the sum of TWENTY SEVEN and 50/100 (\$27.50) DOLLARS a week for the support and maintenance of the said children.

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 James H. Wilsey the Respondent pay the cost herein to be taxed, for which execution may issue.

This 15th day of March, 1954

Robert M. Hall

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. 3312

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Ruby M. Wilsey

Complainant

vs.

James H. Wilsey

Respondent

DIVORCE DECREE

FILED

MAR 15 1954

ALICE L. DUCK, Register

RUBY M. WILSEY

COMPLAINANT

VS

JAMES H. WILSEY

RESPONDENT

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

Now comes the Respondent, in his own proper person, and admits the allegations contained in the bill of complaint filed in the above styled cause as to ages, residence, marriage and children, but denies all other allegations therein contained and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross examine Complainant's Witnesses; and agrees that this cause be submitted for final decree without further notice.

James H. Wilsey

STATE OF ALABAMA
BALDWIN COUNTY

I, Barry J. Walter, a Notary Public, in and for said County, in said State, hereby certify that James H. Wilsey, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 13 day of March, 1954.

Barry J. Walter
Notary Public, Baldwin County, Alabama

3212
RECORDED

RUBY M. WILSEY

COMPLAINANT

VS

JAMES H. WILSEY

RESPONDENT

ANSWER AND WAIVER

FILED

MAR 15 1954

ALICE J. DUCK, Registrar

Exhibit "A"

RUBY M. WILSEY

COMPLAINANT

VS

JAMES H. WILSEY

RESPONDENT

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

AGREEMENT OF PARTIES CONTEMPLATING A DIVORCE WITH
REFERENCE TO CUSTODY OF CHILDREN AND PROPERTY RIGHTS.

This agreement made and entered into on this the 30 day of January, 1954, by and between Ruby M. Wilsey hereinafter referred to as the Party of the First Part and James H. Wilsey, hereinafter referred to as the Party of the Second Part: WITNESSETH:

WHEREAS, the parties hereto have been husband and wife for a period of ten years, and as a result of such union have two children, Oscar Janet Wilsey age 7 and James Tucker Wilsey, age 6; and

WHEREAS, said parties have definitely concluded that under conditions now existing it is impractical for them to live together as man and wife.

NOW, THEREFORE, in consideration thereof, and of mutual agreements hereinafter made, they have mutually agreed to a complete separation under the following expressed terms and conditions.

1. The said parties shall entirely and completely separate as man and wife, living separate and apart, and neither party hereafter shall in any way harass, threaten, intimidate or otherwise act in any way so as to embarrass or humiliate the other party.

2. The Party of the First Part shall have the custody, control and care of the children, Oscar Janet Wilsey and James Tucker Wilsey. It is understood and agreed, however, that the Party of the Second Part shall have the right at convenient times of access and visitation of the children, such access and visitation to be exercised in a proper and reasonable manner and at such times as may be convenient to and consented to by the Party of the First Part and that the Party of the Second Part shall have the right to have the aforesaid children visit him at reasonable times and for reasonable periods.

3. The Party of the Second Part agrees to pay the Party of the First Part for the support and maintenances of the aforesaid children the sum of TWENTY SEVEN (\$27.50) DOLLARS a week.

4. The Party of the Second Part agrees to give the Party of the First Part a quit claim deed to the present home in Robertsdale being more specifically described as Lot 11, Block 3, in Heights of Robertsdale recorded in Probate Judge's office of Baldwin County, Alabama, in Map Book 3, page 39. The Party of the First Part in consideration of the foregoing agrees not to require the Party of the Second part to pay her any alimony or support and maintenance. The Party of the Second Part further agrees to satisfy a certain mortgage which now exists on the aforesaid property.

5. The Party of the Second Part agrees that the Party of the First Part shall have all the furniture and fixtures that are now in the aforesaid house and on the aforesaid property except the clothing, the purple heart, and the picture of the said Party of the Second Part's brother, belonging to the said Party of the Second Part. The Party of the Second Part agrees to pay the remainder due upon a certain washing machine which is now on said premises.

James H. Wilsey (SEAL)
Ruby Wilsey (SEAL)

WITNESSES:

Evelyn Watts
Ray J. Walters

3212
EXHIBIT "A"

RUBY M. WILSEY

COMPLAINANT

VS

JAMES H. WILSEY

RESPONDENT

AGREEMENT

FILED

MAR 15 1954

ALICE J. DUCK, CLERK

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons JAMES H. WILSEY 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 RUBY M. WILSEY, as Complainant and against JAMES H. WILSEY.

WITNESS my hand this the _____ day of January, 1954.

Register

RUBY M. WILSEY	Ø	IN THE CIRCUIT COURT OF
COMPLAINANT	Ø	BALDWIN COUNTY, ALABAMA,
VS	Ø	IN EQUITY
JAMES H. WILSEY	Ø	
RESPONDENT	Ø	

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

Your Complainant, Ruby M. Wilsey, respectfully represents 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 a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age.

2.

That your Complainant and the Respondent married at Robertsdale, Alabama on August 26, 1944, and lived together as husband and wife until on to-wit, August 16, 1953.

3.

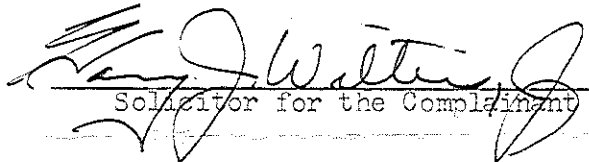
That on to-wit, August 16, 1953, and on various occasions prior thereto the Respondent, cursed, threatened and abused your Complainant and threatened to do actual violence to her person, which would necessarily endanger her life and health; that the conduct of the Respondent was such as to give your complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with the Respondent he would do actual violence to her person which would necessarily endanger her life and health.

4.

That there was born to the marriage between your Complainant and the Respondent, two children, Oscar Janet Wilsey and James Tucker Wilsey, who are now and has been all of their lives with their mother, the Complainant; that your Complainant is a suitable, fit and proper person to have their care, custody and control; that there has been an agreement entered into by the Complainant and Respondent concerning the care, control and custody of the children, and their support and maintenance and also concerning the property settlement between the said complainant and Respondent. The said agreement is hereto attached and marked as Exhibit "A".

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said James H. Wilsey, 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.

Your Complainant further prays that upon a final hearing hereof Your Honor will enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that your Complainant be awarded the permanent care, custody and control of the minor children, Oscar Janet Wilsey and James Tucker Wilsey; that the agreement entered into between the parties in contemplation of divorce be incorporated into this complaint and made a part hereof and that the court render a final decree incorporating the same therein; Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.


Solicitor for the Complainant

3212

RECORDED

RUBY M. WILSEY

COMPLAINANT

VS

JAMES H. WILSEY

RESPONDENT

BILL OF COMPLAINT

MADE 1. DICK, 1954

MAR 15 1954

FILED

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Evelyn Watts

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 Ruby Wilsey and Louis T. Steele

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

Ruby M. Wilsey

and James H. Wilsey, Complainant

Respondent

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

Witness 13 day of March, 1954

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 3212

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Ruby M. Wilsey

Complainant—

vs.

James H. Wilsey

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Evelyn Watts

WITNESSES:

Ruby M. Wilsey

Louis T. Steele

RUBY M. WILSEY,	0	IN THE CIRCUIT COURT OF
Complainant,	0	BALDWIN COUNTY, ALABAMA
VS.	0	IN EQUITY.
JAMES H. WILSEY,	0	
Respondent.	0	NO. 3212½

PETITION FOR CHANGE OF CUSTODY.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA:

Comes now JAMES H. WILSEY, Petitioner, and respondent in the
above styled cause, and respectfully represents and shows unto
your Honor and this Honorable Court as follows:

1. That on the 15th day of March, 1954, a decree of divorce
was granted to the complainant in the above styled cause, RUBY M.
WILSEY, by this Honorable Court.

2. That in and by the terms of said decree the complainant
was awarded the care, custody and control of their minor children,
Oscar Janet Wilsey, age seven, and James Tucker Wilsey, age six;
that said children are now age eight and seven, respectively.

3. That custody was given to the complainant by agreement
between the parties because your petitioner had no place to carry
said children, and he thought the complainant would give them the
proper supervision and care.

4. That since said decree was made and entered, conditions
have changed in the following respects:

(a) Your petitioner has since remarried and has established a
home to which he could carry said children and give them the proper
care and supervision, if this Honorable Court should see fit to
grant him custody; that his said wife has two minor children of
her own and that she will be glad to have your petitioner's child-
ren brought into their home, and to rear them with the same loving
care that she gives her own children.

(b) That RUBY M. WILSEY, the complainant has failed to give said
minor children the proper care and supervision; that she has neglect-

ed them; that she goes out at night and stays until late hours at nightclubs and juke joints; and that she has proven that she is not a fit and proper person to have the care, custody and control of their minor children.

WHEREFORE, THE PREMISES CONSIDERED, your petitioner prays that this Honorable Court will take jurisdiction of this petition; that it will fix a suitable day for the hearing of the same; that it will give RUBY M. WILSEY notice of this petition and the day set for hearing the same, and will notify her to have the said Oscar Janet Wilsey and James Tucker Wilsey in Court on that date; and that, on a hearing of this petition, your Honor will make and enter an order, judgment or decree, giving to the petitioner, JAMES H. WILSEY, the permanent care, custody and control of said minor children; and your petitioner prays for such other, further, different or general relief as in equity and good conscience he may be entitled to receive, and, as in duty bound, he will ever pray, etc.

Julian A. MacBryen
Solicitor for Petitioner

James A. Hendrix
Solicitor for Petitioner

~~RECORDED~~

IN THE CIRCUIT COURT OF
BALDWIN COUNTY ALABAMA.

IN EQUITY.

NO. 32124

RUBY M. WILSEY,

Complainant,

VS.

JAMES H. WILSEY,

Respondent.

PETITION FOR CHANGE OF
CUSTODY.

To be served on
Ruby Wilsey
Robert Wilsey, Jr.

FILED

JAN 12 1955

ALICE J. DUCK, Register

Received 25 day of Jan 1955
27 day of Jan 1955
Filed a copy of the within Petition
Ruby M. Wilsey

Witness
TAYLOR V. DICK
Edley Steadman

Ruby M. Wilsey

vs.

James H. Wilsey

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
and testimony of Ruby Wilsey and Louis E. Steele and agreement

and in behalf of Defendant upon _____ answer and waiver, and agreement

W. L. Brantley
W. H. J. Wilsey

W. H. J. Wilsey
Register.

No. 3212

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Ruby M. Wilsey

vs.

James H. Wilsey

NOTE OF TESTIMONY

Filed in Open Court this
day of **FILED**, 194
MAR 15 1954

ALICE L. DUCK, Register Register.

Printed by the Baldwin Times

PETITION FOR CHANGE OF CUSTODY

RUBY M. WILSEY

COMPLAINANT

VS

JAMES H. WILSEY

RESPONDENT

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3212 $\frac{1}{2}$

Comes now James H. Wilsey, your Petitioner and the Respondent in the above styled cause and respectfully represents and shows unto Your Honor as follows:

1.

That on the 15th day of March, 1954, the Complainant and Respondent in this cause were divorced by an order of this court.

2.

That by the terms of this said decree the Complainant was given the care, custody and control of the minor children of the Complainant and Respondent in this cause; these children being Oscar Janet Wilsey and James Tucker Wilsey, who are now 11 and 12 years of age.

3.

The custody of these children were awarded to the Complainant by an agreement between Complainant and Respondent in this cause.

4.

Your Petitioner avers that since the time of the original divorce decree your Petitioner has remarried and is now living in a good christian and comfortable home and is raising a family by a second wife; that he and his wife are in every respects fit and proper persons to have the care, custody and control of the aforesaid minor children. Your Petitioner says further that these two children have been living with him for the past two years exclusively; that this was done with the implied consent of the Complainant and without any objections on her part.

5.

Petitioner says further that Ruby M. Wilsey, the Complainant, has failed to give the said minor children proper care and supervision.

WHEREFORE, the premises considered, Petitioner prays that Your Honor will by proper process make the said Ruby E. Wilsey a party to this cause of action, requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by law.

The Petitioner prays that Your Honor will grant him the full care, custody and control of Oscar Janet Wilsey and James Tucker Wilsey.

Petitioner prays for such, other, different or further relief to which he may be in equity entitled.

Wilters & Brantley

BY: Henry Wilters, Jr.
Solicitors for the Petitioner

32 1/2 mi
Dismissed

RECORDED

RUBY M. WILSEY

COMPLAINANT

R. Dale

VS

JAMES H. WILSEY

RESPONDENT

PETITION FOR CHANGE OF CUSTODY

FILED

JAN 8 1959

ALICE J. DUCK, Register

Received 5 day of Jan 1959
and on 17 day of Feb 1959
served a copy of the within Pittman
on Ruby M. Wilsey
By service on _____

TAYLOR WILKINS, Sheriff
By Edleigh Steadham D.S.

Robert Dale, aka.

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY Steadham
DEPUTY SHERIFF

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Ruby M. Wilsey

Complainant

VS.

James H. Wilsey

Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Ruby M. Wilsey and Louis T. Steele

witness named in the Requirement for Oral Examination, on the 13 day of March

1954, at the office of Wilters & Brantley

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

truth, the whole truth, and nothing but the truth, the said Ruby M. Wilsey and Louis T.

Steele doth depose and say as follows:

My name is Ruby M. Wilsey. I am the Complainant in the above styled case. I am a bona fide resident of Baldwin County, Alabama, and have been for more than one year next preceding the filing of this suit and I am over the age of twenty-one. The Respondent James H. Wilsey is a bona fide resident of Baldwin County, Alabama, and is over the age of twenty-one years. I and the Respondent were married at Robertsedale, Alabama, on August 26, 1944, and lived together as husband and wife until August 16, 1953. On August 16, 1953, and on various occasions prior thereto the Respondent cursed, threatened and abused me and threatened to do actual violence to me which would necessarily endanger my life and health and his conduct was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with the Respondent he would do actual violence to me which would necessarily endanger my life and health.

There was born out of this marriage two children Oscar Janet Wilsey and James Tucker Wilsey who are now living with me. I am the suitable, fit and proper person to have the care, control and custody of these children.

There was an agreement entered into by me and the Respondent concerning the care, control and custody of the children and their support and maintenance and also concerning the property settlement. This agreement was attached to the Bill of Complaint and made a part thereof.

Ruby Wilsey

My name is Louis Tucker Steele. I am the brother of the Complainant. I have known the Complainant and the Respondent all through their married life. I know that they have been experiencing difficulties in living together. I was in the presence of the Complainant and Respondent on several occasions in which they were having very heated arguments. It is generally known in the community in which they live that they have been having trouble. It is my opinion that it is to the best interest of both the Complainant and Respondent and their children that they be divorced.

Louis T. Steele

ORAL EXAMINATION

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition...on Oral Examination was taken down by me in writing in the words of the witness...and read over to them and they signed the same in the presence of myself and Harry J. Wilters Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness... or had proom 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 13 day of March, 19 54

Evelyn Watts (L. S.)

No. <u>3212</u>	Page <u>1</u>
The State of Alabama	
Baldwin County.	
In Circuit Court, In Equity	
Ruby M. Wilsey	
vs.	Complainant
James H. Wilsey	
	Respondent
Oral Deposition	
Filed <u>13</u> , 19 <u>54</u>	Recorded in <u>1</u> , Register
Vol. <u>1</u>	Record
FILED	
March 13, 1954, Register	
ALICE L. WOOD, Register	