

1085

HENRY O. TOPP,  
Complainant,

VS.

FRANCES BELLE TOPP,  
Respondent.

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

NOTE OF TESTIMONY

This cause is submitted on behalf of Complainant upon  
the following:

1. Original Bill of Complaint.
2. Answer.
3. Stipulation of parties relative to taking testimony.
4. Testimony of Henry O. Topp taken before Ora S.

Nelson.

R. Nelson  
Register.

J. B. Blackburn  
Solicitor for Complainant.

HENRY O. TOPP,  
Complainant,

VS.

FRANCES BELLE TOPP,  
Respondent.

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

IT IS AGREED by and between the Complainant and the Respondent in this cause that Ora S. Nelson shall act as commissioner in taking the testimony of the Complainant, Henry O. Topp and that a formal commission to her is hereby waived. She is to take the testimony of the Complainant, Henry O. Topp, transcribe the same and file the said testimony with the Register in Equity of Baldwin County, Alabama in all respects as required by law and as though a formal commission had been issued to her.

Henry O. Topp  
Complainant.

Witness:  
J. T. Blackburn

Frances Belle Topp  
Respondent.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orator, Henry O. Topp, presents this Bill of Complaint against Frances Belle Topp and thereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is over twenty-one years of age and is a bona fide resident citizen of Baldwin County, Alabama, where he has resided continuously for much more than one year next preceding the filing of this Bill of Complaint. The Respondent, Frances Belle Topp, is over twenty-one years of age and a resident of Pensacola, Florida.

2. Your Orator and the said Respondent were lawfully married at Pensacola, Florida on July 11, 1934, and lived together when the Respondent voluntarily abandoned your Orator, and as man and wife until during the month of February, 1943, when they separated. The said parties have not lived together as man and wife since the said date.

3. Your Orator and the said Respondent are the father and mother of Otto Julius Henry Topp, a boy eight years of age and the said Respondent is the mother of Mildred Fanny Topp, a girl thirteen years of age, both of which said children are now in the custody of your Orator and reside at Foley in Baldwin County, Alabama. Your Orator is in all respects a fit and proper person to have the permanent custody and control of the said minors.

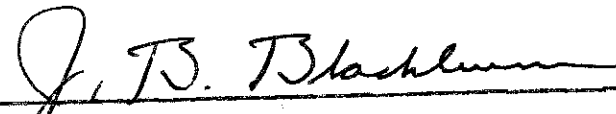
#### PRAYER FOR PROCESS

Your Orator prays that the Court will take jurisdiction of the cause made by this Bill of Complaint; that due notice thereof be given to the Respondent, Frances Belle Topp, in the form and manner prescribed by law, requiring her to plead to, answer or demur to the said Bill of Complaint within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

#### PRAYER FOR RELIEF

THE PREMISES CONSIDERED, your Orator prays that upon a final hearing of this cause that the Court will make and enter a

proper order or Decree dissolving the bonds of matrimony now existing between your Orator and the said Respondent and will grant unto your Orator the permanent custody and control of the said minor children. Your Orator further prays for such other, further and general relief as he may be equitably entitled to the premises considered.

  
Solicitor for Orator.

HENRY O. TOPP,  
Complainant,  
VS.  
FRANCES BELLE TOPP,  
Respondent.

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

FINAL DECREE

This cause coming on to be heard on this date is submitted for Final Decree on the original Bill of Complaint, Answer, Stipulation between parties and Testimony as noted by the Register, upon consideration of all of which the Court is of the opinion that the Complainant is entitled to the relief prayed for in his said Bill of Complaint, WHEREUPON, it is Ordered, Adjudged and Decreed by the Court as follows:

1. 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 abandonment.

2. That the Complainant be and he is hereby granted the permanent custody and control of the minor children, Otto Julius Henry Topp and Mildred Fanny Topp subject however to the right of the Respondent to visit them on reasonable occasions.

3. That the said parties shall not marry except to each other until sixty days after this date, and if an appeal is taken within sixty days, they shall not again marry except to each other during the pendency of the said appeal.

4. That the costs of this cause be and they are hereby taxed against the Complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED at Monroeville, Alabama,  
on this the 27<sup>th</sup> day of March, 1944.

*F. N. Stare*

Judge.

HENRY O. TOPP,  
Complainant,  
VS.  
FRANCES BELLE TOPP,  
Respondent.

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

ANSWER

Now comes the Respondent named in the above entitled  
cause and for Answer to the Bill of Complaint filed against her  
herein says:

1. She accepts service in said cause and waives  
all other and further notice thereof.
2. In the event a divorce is granted in this cause  
the Respondent admits that the Complainant, Henry O. Topp, is in  
all respects a fit and proper person to have the custody and control  
of the minor children mentioned in the Bill of Complaint filed in  
this cause and consents and agrees that if a divorce is granted  
in this cause that the permanent custody and control of the said  
children be granted to him.
3. Respondent waive all formalities and requirements  
of law in connection with the taking of testimony in this cause and  
waives notice of the taking of the said testimony and consents  
that the said cause be submitted for final decree without notice to  
her, all of which is hereby expressly waived.

The Respondent denies each and all other allegations  
of the Bill of Complaint and demands strict proof of same.

Frances Belle Topp

Sworn to and subscribed before me  
on this the 27 day of March, 1944.

J. W. Blackburn

Notary Public

THE STATE OF ALABAMA }  
Baldwin County }

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

HENRY O. TOPP COMPLAINANT

VS.

FRANCES BELLE TOPP RESPONDENT

I, Ora S. Nelson

as ~~Register and~~ Commissioner

have called and caused to come before me Henry O. Topp

witness— named in the Requirement for Oral Examination, on the 27th day of March  
1944, at the office of J. B. Blackburn

in Bay Minette, Alabama, and having first sworn said witness— to speak the truth,  
the whole truth, and nothing but the truth, the said Henry O. Topp

doth depose and say as follows:

My name is Henry O. Topp. I am over twenty-one years of age and am a bona fide resident citizen of Baldwin County, Alabama where I have resided continuously since 1926. The Respondent, Frances Belle Topp, is over twenty-one years of age and a resident of Pensacola, Florida.

I was lawfully married to the Respondent at Pensacola, Florida and we lived together as man and wife until during the month of February, 1943, at which time the Respondent voluntarily abandoned me and left the home where we were living. We have not lived together as man and wife since the said date.

I am the father and the Respondent, Frances Belle Topp, is the mother of Otto Julius Henry Topp, a boy eight years of age and the Respondent is the mother of Mildred Fanny Topp, a girl thirteen years of age, both of whom are now residing with your Orator at Foley, in Baldwin County, Alabama. Your Orator is in all respects a fit and proper person to have the custody and control of the said minor children.

Henry O Topp

ORAL EXAMINATION

I, Ora S. Nelson, 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— and read over to him and he signed the same in the presence of myself and J. B. Blackburn at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness— or had proof 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 27th day of March, 1944.

Ora S. Nelson (L. S.)

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**THE STATE OF ALABAMA**  
**Baldwin County**

IN CIRCUIT COURT, IN EQUITY

HENRY O. TOPP

Complainant

Vs.

FRANCES BELLE TOPP

Respondent

**ORAL DEPOSITION**

Filed Mar 27, 1944

[Signature] Register

RECORDED IN

Record \_\_\_\_\_

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Register \_\_\_\_\_



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STIPULATION

HENRY O. TOPP,

Complainant,

VS.

FRANCES BELLE TOPP,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

*Filed March 27 1944*  
*R. J. [unclear]*  
*Minister*

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RECORDED

NOTE OF TESTIMONY

HENRY O. TOPP,

Complainant,

VS.

FRANCES BELLE TOPP,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed Mar 27 1944  
R. D. Duck  
Clerk

1085  
ANSWER RECORDED

HENRY O. TOPP,

Complainant,

VS.

FRANCES BELLE TOPP,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

*Filed March 27 1944*  
*R. R. Riplin*

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FINAL DECREE

RECORDED

HENRY O. TOPP,

Complainant,

VS.

FRANCES BELLE TOPP,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed Mar 26 1944  
*[Signature]*

1085-

**RECORDED**

BILL OF COMPLAINT

HENRY O. TOPP,  
Complainant,

VS.

FRANCES BELLE TOPP,  
Respondent.

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

*Filed Mar 27 1944*  
*Robb*  
*Clerk*