

1160

The State Of Alabama, Baldwin County
CIRCUIT COURT, IN EQUITY

JIMMEY L. WHATLEY, Complainant

VS

MARY M. WHATLEY, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decrets 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 JIMMEY L. WHATLEY is forever divorced from the said

MARY M. WHATLEY

for and on account of

-ABANDONMENT-

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 Jimmey L. Whatley and Mary M. Whatley be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Jimmey L. Whatley the Complainant pay the cost herein to be taxed, for which execution may issue.

This 21st day of July, 1944.

[Signature]
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.

THE STATE OF ALABAMA.)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETING:

WE COMMAND YOU, that you summon Jimmey L. Whatley, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising chancery jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of review, lately exhibited by Mary M. Whatley, against the said Jimmey L. Whatley, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit, under penalty of the law. And we further command that you return this writ with your execution thereof.

WITNESS, R. S. Duck, Register of said Court, this 20 day of April 1945.

R. S. Duck
Register

.....

MARY M. WHATLEY,)
Complainant) IN THE CIRCUIT COURT OF
vs.) BALDWIN COUNTY, ALABAMA
JIMMEY L. WHATLEY,)
Respondent) IN EQUITY.

BILL OF REVIEW

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

Comes your Complainant, Mary M. Whatley, humbly complaining of the Respondent, Jimmey L. Whatley, in the matter of a divorce decree granted by your Honor on the 21st day of July, 1944, and shows unto your Honor and to this Court as follows:

FIRST

That your Complainant is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama, and has been a resident of said County and State for more than two years next preceding the filing of this Bill.

SECOND

That your Complainant further shows unto your Honor that on July 21, 1944, your Honor granted a Divorce Decree to the Respondent on the grounds of abandonment upon submission of the original Bill of Complaint, Answer and Waiver, and Testimony of Jimmey L. Whatley and Burt Ganey.

THIRD

That your Honor and this Court had no jurisdiction of the Respondent in the divorce proceeding (your Complainant in this cause) because she did not appear, plead, or answer in the divorce proceedings against her.

FOURTH

That the Answer and Waiver filed in the divorce proceedings was as follows:

Comes the Respondent in the above styled cause and denies the allegations of the Complaint filed in said cause and demands strict proof of the same. Respondent waives notice of the taking

of testimony and notice of submission of this cause and agrees that said testimony may be taken and said cause submitted without further notice to her. Respondent agrees that said cause be submitted as soon as the Complainant sees fit.

/s/ Mary M. Whatley

Respondent

WITNESS:

/s/ Emma Silcox or Silcap

That your Complainant in this cause did not sign this answer and waiver nor had any knowledge of it, and that the Complainant in the divorce proceedings committed actual fraud by forging or procuring another person to forge the name of the Respondent in the divorce proceeding.

FIFTH

That your Complainant in this cause knew nothing of the divorce proceeding until some time ago, when after failing to receive her family allowance from the War Department, she inquired of the War Department, Office of Dependency Benefits, as to why she was not receiving payments for family allowance; that in a letter dated the 2nd day of November, 1944, the Honorable H. N. Gilbert, Brigadier General, United States Army, as Director, stated that "Family allowance in your behalf was discontinued 31 July 1944 since divorce decree was received from soldier showing he received a divorce from you 21 July 1944. Therefore, you are no longer eligible for family allowance."

SIXTH

That your Complainant alleges that she was free from fault and negligence in suffering the decree to be entered.

SEVENTH

That your Complainant is very poor and without funds to maintain herself. That to this union was born a child, which died a few days after birth for want and lack of the material necessities of life.

EIGHTH

Your Complainant was informed in a letter dated March 27, 1945, from J. A. Ulio, Major General, The Adjutant General, that the Army records show the following: "Jimney L. Whatley, Army serial number 34,397,865, a Technician 5th Grade, Headquarters Company, 777th Tank Battalion, APO 507, c/o Postmaster, New York, New York."

NINTH

Your Complainant humbly prays that your Honor will appoint a guardian ad litem for the Respondent, set aside the decree rendered on July 21, 1944, and grant such other proper relief as she may be entitled to receive and that a certified copy of the decree be sent to the War Department, Office of Dependency Benefits, 213 Washington Street, Newark 2, New Jersey.

MARY M. WHATLEY

Complainant

Forest A. Christian

Forest A. Christian, Foley, Alabama
Solicitor for Complainant

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA --- GREETING:

WE COMMAND YOU, that you summon Jimmey L. Whatley, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising chancery jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of review, lately exhibited by Mary M. Whatley, against the said Jimmey L. Whatley, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit, under penalty of the law. And we further command that you return this writ with your execution thereof.

WITNESS, R. S. Duck, Register of said Court, this _____ day of _____, 1945.

Register

MARY M. WHATLEY,)
Complainant) IN THE CIRCUIT COURT OF
vs.) BALDWIN COUNTY, ALABAMA
JIMMEY L. WHATLEY,)
Respondent) IN EQUITY.

BILL OF REVIEW

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

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THIRD

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FOURTH

That the Answer and Waiver filed in the divorce proceedings was as follows:

Comes the Respondent in the above styled cause and denies the allegations of the Complaint filed in said cause and demands strict proof of the same. Respondent waives notice of the taking

of testimony and notice of submission of this cause and agrees that said testimony may be taken and said cause submitted without further notice to her. Respondent agrees that said cause be submitted as soon as the Complainant sees fit.

/s/ Mary M. Whatley

Respondent

WITNESS:

/s/ Emma Silcox or Silcap

That your Complainant in this cause did not sign this answer and waiver nor had any knowledge of it, and that the Complainant in the divorce proceedings committed actual fraud by forging or procuring another person to forge the name of the Respondent in the divorce proceeding.

FIFTH

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SIXTH

That your Complainant alleges that she was free from fault and negligence in suffering the decree to be entered.

SEVENTH

That your Complainant is very poor and without funds to maintain herself. That to this union was born a child, which died a few days after birth for want and lack of the material necessities of life.

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Your Complainant was informed in a letter dated March 27, 1945, from J. A. Ulio, Major General, The Adjutant General, that the Army records show the following: "Jimmy L. Whatley, Army serial number 34,597,665, a Technician 5th Grade, Headquarters Company, 777th Tank Battalion, APO 507, c/o Postmaster, New York, New York."

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MARY M. WHATLEY

Complainant

Forest A. Christian, Foley, Alabama

Solicitor for Complainant

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO Alica A. Christian

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 Mary M. Whatley and Fannie B. Fenimore

as witnesses in behalf of Mary M. Whatley in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Mary M. Whatley

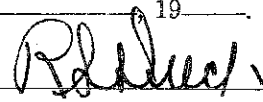
Complainant

and Jimney L. Whatley

Defendant,

on oath to be by you administered, upon Mary M. Whatley and Fannie B. Fenimore to take and certify the deposition^s of the witness^{es} and return the same to our Court, with all convenient speed, under your hand.

Witness 28 day of April 1945



REGISTER

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Mary M. Whatley

Complainant

VS.

Jimney L. Whatley

Respondent

I, Alica A. Christian

as ~~Register and~~ Commissioner

have called and caused to come before me Mary M. Whatley and Fannie B. Fenimore

witness ^{es} named in the Requirement for Oral Examination, on the 18 day of April
1945, at ~~the office of~~ Summerdale, Alabama
in Summerdale, Alabama, and having first sworn said Witness^{es} to speak the
truth, the whole truth, and nothing but the truth, the said Mary M. Whatley and Fannie B.
Fenimore
doth depose and say as follows:

My name is Mary M. Whatley. I live at Summerdale, Alabama. I am the Respondent in the divorce proceedings of Jimney L. Whatley vs. Mary M. Whatley. I married Jimney on April 28, 1942. I went to school only a few days because my widowed mother lived in Washington County in the woods about eight miles from town. I cannot write my name but have learned how to print my name. I knew nothing about the divorce until my benefits checks stopped coming and I wrote to the government and I got a letter saying that I was divorced, I did not leave my husband. I lived with his mother for a while but I wanted to go home when my baby was coming. My husband was in the army then. The baby died after a few days because we are poor and ~~we~~ take good care of it. I was never shown any divorce papers and I did not sign anything and the answer is not my signature because I cannot write but can print only.

MARY M. WHATLEY
Mary M. Whatley

Fannie B. Fenimore, first being duly sworn, deposes and says as follows:

I am the mother of Mary M. Whatley. Mary cannot read and write because she never went to school much. She can print her name. She did not know of the divorce. The signature on the divorce paper is not hers, because she cannot write. She did not know of the divorce until her government checks stopped. I am a widow and we are poor.

Fannie B. Fenimore

JIMMEY L. WHATLEY,
Complainant,
VS.
MARY M. WHATLEY,
Respondent.

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

TO HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY,
AND THE HON. F. W. HARE, JUDGE THEREOF:-

Comes your Complainant Jimmey L. Whatley humbly complaining of the Respondent Mary M. Whatley in a matter of divorce as will hereinafter appear, and shows unto your Honor and unto this Court as follows:-

FIRST:

That your Complainant is over the age of twenty-one years and is a resident of Stockton, in Baldwin County, Alabama, and has been such a resident all his life; that the Respondent is twenty years of age and is a resident of Summerdale, in Baldwin County, Alabama.

SECOND:

That your Complainant further shows unto your Honor that on April 28, 1942 he married the Respondent and they lived together as man and wife until about June 20, 1943; that on that date the Respondent voluntarily abandoned your Complainant without just cause or legal excuse and has failed and refused to live with him since that time.

PRAYER FOR PROCESS AND RELIEF.

The premises considered your Complainant prays that you Honor will cause the usual Writ of process to issue to the said Mary M. Whatley making her a party defendant to this Bill of Complaint and requiring her to plead, answer or demur to the same within the time as required by law and the rules of this Honorable court. Your Complainant further prays that upon a final hearing of this cause that your Honor will grant unto him an absolute divorce from the said Respondent. Your Complainant prays

for such other, further, different and general relief as in equity
may seem just and meet and your Complainant will ever pray.

Jimmy J. Whalley
Complainant.

THE STATE OF ALABAMA,
Baldwin County

}

CIRCUIT COURT

TO ERIN S. MONTGOMERY:

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 Jimmey L. Whatley

and

Burt Ganey

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

Jimmey L. Whatley

Complainant

and

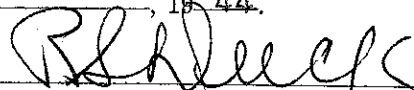
Mary M. Whatley

Defendant,

on oath to be by you administered, upon Jimmey L. Whatley and Burt Ganey to take and certify the deposition s of the witness es and return the same to our Court, with all Convenient speed, under your hand.

Witness 20th day of JULY

19 44.



REGISTER

Commissioner's Fee \$

Witness' Fees. \$

No. Page

The State Of Alabama

Baldwin County

In Circuit Court, In Equity

JIMMEY T. WEAVER,

vs. Complainant.

MARY M. WEAVER,

Respondent.

DIVORCE DECREE

NO. 1160A

THE STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

MARY M. WEAVER
Complainant
VS.
JIMMEY I. WEAVER
Defendant

Commission To Take Deposition

COMMISSIONER:

AUGA A. CHRISTIAN

Witnesses:

MARY M. WEAVER

HANNIB B. PENNORE

NO. 1160

THE STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

JIMMEY L. WEAITLEY,

Complainant

VS.

MARY M. WEAITLEY

Defendant

Commission To Take Deposition

COMMISSIONER:

ERIN S. MONTGOMERY

Witnesses:

JIMMEY L. WEAITLEY

BURP GANNEY

ORAL EXAMINATION.

I, Alica A. Christian, 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 Forest A. Christian

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 18 day of April, 194⁵.

Alica A. Christian (L.S.)

NO. 1160A

PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

MARY M. WHARTLEY

vs.

Complainant

JIMMEY L. WHARTLEY

Respondent.

Oral Deposition

Filed April 20, 194⁵

Pennington, Register.

Recorded in

Record

Vol. _____

Page _____

, Register.

TESTIMONY OF JIMMEY L. WHATLEY

My name is Jimmey L. Whatley. I am the complainant in that certain suit for divorce filed by me in the Circuit Court of Baldwin County, Alabama, in Equity, on July 19, 1944 in which Mary M. Whatley is the Respondent. I am over the age of twenty-one years and a resident of Stockton in Baldwin County, Alabama, and I have resided there all of my life. Mary M. Whatley is twenty years of age and is a resident of Summerdale in Baldwin County, Alabama. I married Mary M. Whatley on April 28, 1942 and we lived together as man and wife until about June 20, 1943. That on or about June 20, 1943 Mary M. Whatley voluntarily abandoned me without just cause or legal excuse and has failed and refused to live with me since that time. She moved all of her things out of our house in Stockton and went down near Summerdale to live with her mother. She did not give me any reason why she left me but I had treated her well and had supported her to the best of my ability at all times. I have not lived with her as man and wife since June 20, 1943.

Jimmey L. Whatley

TESTIMONY OF BURT GANEY.

My name is Burt Ganey. I am twenty years of age and a resident of Tensaw in Baldwin County, Alabama. I have resided in Baldwin County all my life. I am personally acquainted with Jimmey L. Whatley who is Complainant and Mary M. Whatley who is Respondent in the suit for divorce filed in the Circuit Court of Baldwin County, Alabama, in Equity. On or about June 20, 1943 Mary M. Whatley moved from the home of Jimmey L. Whatley in Stockton and went down near Summerdale in Baldwin County. She has not lived with him as man and wife since that time. While they were living together in Stockton I visited in their home and Jimmey treated Mary well at all times. He provided for her and cared for her and in my opinion treated her as well as any wife could be expected to be treated.

Burt Ganey

RECORDED

ANSWER AND WAIVER.

JIMMEY L. WHALLEY,
Complainant,

vs.

MARY M. WHALLEY,
Respondent.

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

FILED JULY 20, 1944.

[Signature]
Register.

1160

ORAL EXAMINATION.

I, ERIN S. MONTGOMERY, as Register and Commissioner hereby certify that the foregoing deposition S 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 John Chason

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 20th day of July 1924.

Erin S. Montgomery (L. S.)

NO. 1162 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

JIMMEY I. WHALLEY,

vs. Complainant

MARY M. WHALLEY,

Respondent.

Oral Deposition

Filed JULY 20, 1924.

Erin S. Montgomery
Register.

Recorded in

Record

Vol. _____ Page _____

Register

PE I DAS/wjd

WAR DEPARTMENT
THE ADJUTANT GENERAL'S OFFICE
WASHINGTON 25, D. C.

Your communication of recent date has been received in this office and reply thereto will be made with the least practicable delay.

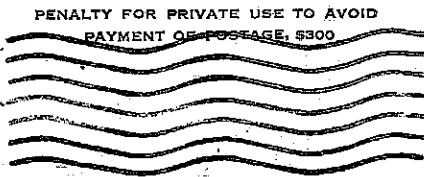
Whatley, Jimney L. 34,397,865 Very truly yours,



J. A. JULIO

Major General,
The Adjutant General.

WAR DEPARTMENT
THE ADJUTANT GENERAL'S OFFICE
WASHINGTON 25, D. C.
OFFICIAL BUSINESS



Mr. Forest A. Christian
Attorney at Law
Foley, Alabama

TWENTY-FIRST JUDICIAL CIRCUIT

OF ALABAMA

F. W. HARE, JUDGE

R. L. JONES, CIRCUIT SOLICITOR

LOUISE JOHNSON, COURT REPORTER

MONROEVILLE, ALABAMA

April 26, 1945.

Mr. J. B. Blackburn,
Bay Minette, Alabama.

Dear J. B.:-

I recall sometime ago you told me that Forest A. Christian had talked to you about the case of a soldier near Foley by the name of Whatley, who had fraudulently procured a divorce from his wife by forging her name to an acceptance of service, and I had hoped that you would be sufficiently interested to help Christian straighten this matter out, if possible.

Christian has filed a bill attacking the divorce decree, but he has had no service upon the soldier, nor any guardian ad litem appointed. Notwithstanding this lack of service or representation of the respondent, Christian has taken the testimony of his witnesses, all of which appears to be out of order.

I would appreciate it if you would interest yourself from a humanitarian standpoint and accept an appointment as guardian ad litem and see to it that this unfortunate young woman gets justice, if possible, and at the same time, see to it that the husband gets all that the law entitles him to. I realize that this is quite a "large order", but I have arrived at the conclusion that you know more about the Soldier's Relief Act than I do or perhaps any other lawyer in the County.

Please let me hear from you in regard to this. I am returning the file to Bob Duck and sending a copy of this letter to Mr. Christian.

With regards, I am

Yours very truly,

F. W. Hare

JIMMEY L. WHATLEY,

Complainant,

VS.

MARY M. WHATLEY,

Respondent.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY
CIRCUIT COURT OF BALDWIN COUNTY

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

~~Answer and Waiver, and Testimony of Jimmey L. Whatley and~~
Burt Ganey

and in behalf of Defendant upon Answer

Rodney Register.
10 part of reason
Selected in Complaint

RECORDED

No. _____

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

JIMMEY L. WHATLEY,

Complainant.

VS.

MARY M. WHATLEY,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 20th

day of July 1944.

Roswell

Register.

 Mary M. Whatley

 VS.

 Jimmey L. Whatley

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY
CIRCUIT COURT OF BALDWIN COUNTY

This cause is submitted in behalf of Complainant upon the original Bill of ~~Complaint, Review,~~

Oral Depositions of Mary M. Whatley and Fannie B. Fenimore,

and in behalf of Defendant upon (Service or notice according to the instructions
from the Honorable F. W. Hare.)

R. L. Duck

Register.

*James H. Clew 11/1/11
Solicitor General*

No. 1160A

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

MARY M. WHATLEY

VS.

JIMMEY L. WHATLEY

NOTE OF TESTIMONY

Filed in Open Court this 20
day of April 1945
Robert
Register.

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }
BALDWIN COUNTY } No. 1160.

CIRCUIT COURT BALDWIN COUNTY

July, TERM, 194 4

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mary M Whatley.

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

Mary M Whatley. Respondant.
Defendant

by Jimmy L Whatley.

Jimmy L Whatley. Plaintiff

Witness my hand this 19th day of July, 1944

[Signature] Clerk.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 1160 Term, 194 4

JIMMEY L. WHATLEY, Complainant

Vs.

MARY M. WHATLEY, Defendant

To R. S. DUCK, Register

Answer & Motion file 0

In the above stated cause a ~~Decree Pro Confesso~~ having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by HYBART & CHASON,

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Hybart Chason
Solicitor for Complainant.

No. _____ Page _____

The State of Alabama,

Baldwin County

CIRCUIT COURT, IN EQUITY

JIMMEY L. WHATLEY,

Complainant,

Vs.

MARY M. WHATLEY,

Respondent.

**REQUEST FOR DECREE IN
VACATION**

Filed July 20, 194⁴

Roduch

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.