

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

ADDIE B. BUTLER

Complainant

VS.

LUMAN T. BUTLER

Respondent

JAMES R. OWEN

I,

as ~~Register and~~ Commissioner

have called and caused to come before me ADDIE B. BUTLER AND J. B. BLACKMON

witness es named in the Requirement for Oral Examination, on the 24th day of October

1955, at the office of Telfair J. Mashburn, Jr.

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

truth, the whole truth, and nothing but the truth, the said ADDIE B. BUTLER

doth depose and say as follows: "My name is Addie B. Butler, and I am the complainant in this cause. I am over the age of twenty-one years and I am a bona fide resident citizen of Baldwin County, Alabama, and have been for more than two years next preceding the filing of the bill of complaint in this cause. I was married to the Respondent, LUMAN T. BUTLER, who is also known as THOMAS BUTLER, by the Reverend Jack Smith, at Bay Minette, Alabama, on the 28th day of June, 1952. The respondent is over the age of twenty-one years and is a resident of Tuscaloosa, Alabama. At the time I married the respondent, he had held himself out to me as being an unmarried man, and I married him under the belief that our marriage was legal. Just recently, I learned that the respondent had married one, EVA SPEED, at Tuscaloosa, Alabama, during or about the year 1947, and that said marriage was still in full force and effect at the time I married him. Since learning of his prior marriage, I have not lived with him as his wife. My name was ADDIE B. GODWIN at the time I married the respondent and I should like the right to resume the use of that name." Further deponent says not.

Addie Butler

The said J. B. Blackmon doth depose and say as follows: "My name is J. B. Blackmon and I am the brother of ADDIE B. BUTLER. I know that she was married to the said LUMAN T. BUTLER, who used the name THOMAS BUTLER, in Bay Minette, Alabama, in June, 1952. I have just recently learned that the said LUMAN T. BUTLER, or THOMAS BUTLER, had a living wife in Tuscaloosa, Alabama, at the time he married my sister. The said LUMAN T. BUTLER, OR THOMAS BUTLER, was in jail in Bay Minette, Alabama, charged with bigamy, the last I heard of him. My sister has not lived with him as his wife, since we learned that he had a wife at the time he married her." Further deponent says not.

J B Blackmon

ORAL EXAMINATION

I, JAMES R. OWEN, 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 ----- and read over to them and they signed the same in the presence of myself and Telfair J. Mashburn, Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness SS or had proof made before me of the identity of said witness SS; 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 24th day of October, 1955

James R. Owen (L. S.)

No. <u>2644</u>	Page <u>1</u>
The State of Alabama	
Baldwin County.	
In Circuit Court, In Equity	
vs. Complainant	
Respondent	
Oral Deposition	
Filed <u>24</u> , 19 <u>55</u>	Recorded in <u>1955</u>
Vol. <u>---</u>	Page <u>---</u>
Register	

ADDIE B. BUTLER,
 Complainant
 VS.
 LUMAN T. BUTLER,
 Respondent.

0
0
0
0
0
0
0
0

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.
 IN EQUITY. NO. _____

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

Comes your complainant, ADDIE B. BUTTLER, and respectfully
 represents and shows unto your Honor as follows:

1. That your 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 two years next
 preceding the filing of this bill of complaint; That Luman T.
 Butler, who is also known as Thomas Butler, is over the age of
 twenty-one years and resides in Tuscaloosa County, Alabama.

2. That on, heretofore, to-wit: the 28th day of June,
 1952, your complainant did undertake to enter into the bodⁿs of
 matrimony with the respondent; that a marriage ceremony was duly
 performed in the City of Bay Minette, Baldwin County, Alabama.

3. Complainant further avers and shows that at the time
 said marriage ceremony was performed, the respondent was incapable
 of entering into the marriage contract, in that said respondent
 was a party to a prior existing marriage, upon which no decree of
 divorce had been granted. Your complainant is informed, and verily
 believes, that the said prior existing marriage was committed in
 the City of Tuscaloosa, State of Alabama, during or about the year
 1947, and that upon the said date of June 28, 1952, said marriage
 was valid and outstanding.

Your complainant further avers and shows that at the
 time of the purported marriage between your complainant and the
 respondent, she did not know of the former marriage of respondent;
 that her marriage was induced by the belief that it would be valid
 and legal; that she has just recently learned of the said former
 marriage of the respondent, since which time she has not lived
 with the respondent as his wife.

THE PREMISES CONSIDERED, your complainant makes party defendant to this bill of complaint the said LUMAN T. BUTLER, also known as THOMAS BUTLER, and prays that service be had upon him in the manner prescribed by law; and upon a hearing hereof your complainant prays that this Honorable Court will annul and declare for naught the said purported marriage between your complainant and the respondent and will adjudge and decree that the said ADDIE B. BUTLER AND LUMAN T. BUTLER are not legally married; that your Honor will grant her the right to resume the use of her former name, ADDIE B. GODWIN: and your complainant prays for such other, further or different relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, she will ever pray, etc.

FILED

Oct. 24 1935

J. H. Allen, Register

J. H. Allen, Register

3640

RECORDED

Addie B. Butler

vs.

Luman J. Butler

Bill of Complaint

FILED

OCT 24 1955

ALICE J. GUCK, Register

ADDIE B. BUTLER,
Complainant,
VS.
LUMAN T. BUTLER,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. _____

ANSWER AND WAIVER

Comes the respondent in the above styled cause and accepts service of a bill of complaint heretofore filed in said cause; waives notice of the filing of interrogatories in said cause and the right to cross the 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 at any time.

And for answer to the bill of complaint, respondent says:

1. That he admits the allegations of paragraph 1 of said bill of complaint.

2. That he admits the allegations contained in paragraph 2 of said bill of complaint.

3. That he admits the allegations contained in paragraph 3 of said bill of complaint in that he admits that he married Eva Speed in Tuscaloosa County, Alabama, on or about, to-wit: the 15th day of December, 1947, but that he thought, at the time he married the complainant in this cause, that the said Eva Speed had obtained a divorce from him; and that he had no intention of committing bigamy in his marriage to the said complainant herein.

Luman T. Butler
Respondent.

Witnessed by:

Waver Quinley
Jeffrey J. Marshall, Jr.

FILED

OCT. 24 1955

ALICE L. DECK, Register

3646 RECORDED

FILED

OCT 24 1955

SAUCE L. BRICK, Houston

1109 Buena Vista Ave
Tuscaloosa, Ala.

ADDIE B. BUTLER

vs.

LUMAN T. BUTLER

Complainant

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No. _____

DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from
Bay Minette, in the County of Baldwin
Alabama, the place of trial of said cause, to-wit: Addie B. Butler and J. B. Blackmon

2. That said Complainant requires an oral examination of said witnesses before a Commissioner
appointed by the Register of this Court.

Jeffrey J. Massbury, Jr.
Solicitor for Complainant

NOTE:

Complainant suggests the name of JAMES R. OWEN
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Jeffrey J. Massbury, Jr.
Solicitor for Complainant

3640

DEMAND FOR ORAL EXAMINATION

Complainant

vs.

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filed this _____ day of _____

194-
FILED
OCT 24 1955

ALICE J. DUCK, Register

Register

Moore Printing Co.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: JAMES R. OWEN

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 ADDIE B. BUTLER AND JA B. BLACKMON

as witnesses in behalf of ADDIE B. BUTLER in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein ADDIE B. BUTLER

_____ is the _____, Complainant
and _____ LUMAN T. BUTLER _____

_____ is the _____ Respondent.
on oath, to be by you administered, upon _____ them _____
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 24 day of October, 1945

Register.

Commissioner's Fee, \$_____

Witness' Fees, \$_____

ADDIE B. BUTLER

vs.

LUMAN T. BUTLER

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 and Waiver, and testimony of ADDIE B. BUTLER AND J. B.
BLACKMON

and in behalf of Defendant upon _____ Answer and Waiver

Jeffery M. Mabury, Jr.

W. J. Duck

Register.

No. 2-14-5.....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this

day of **FILED**, 194.....

OCT 24 1955

Alice J. Hock, Register.

Printed By The Baldwin Times

ADDIE B. BUTLER,
Complainant,
VS.
LUMAN T. BUTLER,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. _____

D E C R E E

This cause coming on to be heard is submitted for final decree upon the Bill of Complaint, Answer and Waiver and the testimony of ADDIE B. BUTLER AND J. B. BLACKMON, as noted by the Register, and the same being considered and understood by the Court, and the Court being satisfied therefrom that the averments of the bill of complaint are true and that the complainant is entitled to the relief therein prayed;

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the purported marriage between ADDIE B. BUTLER AND LUMAN T. BUTLER, also known as THOMAS BUTLER, on the 28th day of June, 1952, at Bay Minette, Alabama, be and the same is hereby annulled, and declared for naught, and that the said ADDIE B. BUTLER AND LUMAN T. BUTLER be and they are hereby Judicially ascertained to be not legally married to each other.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED that the said ADDIE B. BUTLER, be and she is hereby given the right to resume the use of her former name, ANNIE B. GODWIN.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the respondent pay the costs in this cause incurred, for which let execution issue.

DONE this the 25th day of October, 1955.

Hubert M. Hall
JUDGE.