

(2706)

The State of Alabama, Baldwin County

Circuit Court, In Equity

MAGALENE LORETTE STOKES, Complainant

vs.

HERMAN P. STOKES, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Conso~~
ANSWER OF DEFENDANT 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 MAGALENE LORETTE STOKES is forever divorced from the said HERMAN P. STOKES for and on account of DRUNKENNESS

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the complainant
have the care, custody and control of James Herman Stokes and
Regina Lorette Stokes, minor children of the parties to this
cause;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the defendant
Herman P. Stokes, pay to the complainant the sum of \$50.00 a
month, on the 21st day of each calendar month for the support
and maintenance of the said minors, for which let execution issue

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 Herman P. Stokes
 the defendant pay the cost herein to be taxed, for which execution may issue.

This 22nd day of August, 1951

Jeffrey G. Moore
 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. 2706 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

AUG 22 1951

ALICE J. DUCK, Register

Magalene Lorette Stokes

Complainant

vs.

Herman P. Stokes

Defendant

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, _____
service, and oral examination of witnesses.

and in behalf of Defendant upon answer & waiver

W. C. Beebe
Attorney for Complainant

Archie Duck
Register.

No. 2706

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Magalene Lorette Stokes

Complainant

vs.

Herman P. Stokes

Defendant

NOTE OF TESTIMONY

Filed in Open Court this 21

day of August, 1947

Arthur J. Weaver
Register.

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,
Baldwin County.

} NO. _____ TERM, 194____.

____MAGALENE LORETTE STOKES____
Complainant—.

VS.

____HERMAN P. STOKES____
Respondent—.

TO R. S. DUCK, REGISTER:

In the above stated cause a n answer and waiver
having been filed by Herman P. Stokes, the Respondent—,
and evidence having been taken, and the cause being ready for submission for final decree, and
no defense having been interposed, the complainant—, by W. C. Beebe,
Solicitor— 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.

W. C. Beebe
Solicitor— for Complainant—.

NO. _____

Magalene Lorette Stokes

Complainant—

VS.

Herman P. Stokes

Respondent—

Request For Decree In Vacation

Filed August 21, 1941

W. J. Smith

Register,

STATE OF ALABAMA

BALDWIN COUNTY

Magelene Lorette Stokes has sued the undersigned for divorce in the Circuit Court of Baldwin County in equity, in which said suit she prays for custody of the children and support for them. I hereby agree and consent that in the event divorce is granted that the court award the custody of our children, namely, James Herman Stokes, age 3, and Regina Lorette Stokes, age 10 months, and a decree in her favor against me for support of said children in the sum of \$50.00 per month.

Witness my hand this the 15 day of August, 1951.



7202706

Ans.

RECORDED

Filed 8-20-51
Air Force
Register

MAGALENE LORETTE STOKES
Complainant
vs.
HERMAN P. STOKES
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 : B. J. Jones and Magalene Lorette
Stokes

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

W. C. Beebe
Solicitor for Complainant

NOTE:

Complainant suggests the name of Madeline S. Bryars
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

W. C. Beebe
Solicitor for Complainant.

No. 2706

DEMAND FOR ORAL EXAMINATION

Magalene Lorette Stokes
Complainant

vs.

Herman P. Stokes
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filed this *20* day of *August*

19*27*

Alvin J. Remata Register
Moore Printing Co.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Madeline S. Bryars

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 B. J. Jones and Magalene Lorette Stokes

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

Magalene Lorette Stokes, is, Complainant
and

Herman P. Stokes is Respondent
on oath, to be by you administered, upon oral examination
to take and certify the deposition of the witnesses and return the same to our Court, with all
convenient speed, under your hand.

Witness 20th day of August, 1951

Alvin J. Duck
Register.

Commissioner's Fee, \$ PL

Witness' Fees, \$

No. 2706

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Magalene Lorette Stokes
Complainant—

vs.

Herman P. Stokes
Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Madeline S. Bryars

WITNESSES:

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

MAGALENE LORETTE STOKES

Complainant

VS.

HERMAN P. STOKES

Respondent

I, MADELINE S. BRYARS

as ~~Register and~~ Commissioner

have called and caused to come before me B. J. JONES AND MAGALENE LORETTE STOKES

witness ES named in the Requirement for Oral Examination, on the ____ day of ____
194____, at the office of W. C. BEEBE
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 B. J. JONES AND MAGALENE
LORETTE STOKES doth depose and say as follows:

My name is Magalene Lorette Stokes. I am 19 years of age and a resident of Baldwin County, residing at Stockton. I am the complainant in that cause pending in the Circuit Court of Baldwin County in equity for divorce against Herman P. Stokes. He is 29 years of age and a resident of Baldwin County. We were married at Lucedale, Mississippi, March 5, 1948 and lived together as husband and wife in Baldwin County until November 7, 1950 when we were separated and have not lived together since. At the time we were married he was a sober and industrious man but since our marriage he has become an habitual drunkard. We separated because of his drinking. He is a merchant seaman and when he came home he would always be drunk and while in such drunken condition frequently cursed and abused me and mistreated me and the children and because of such drunkenness we separated November 7, 1950. There were born to us two children, James Herman, aged three and Regina Lorette, aged 10 months. The children are in my custody and have been since we separated. He has no way of taking care of them and is not a suitable person because of his drinking to have care and custody of the children of such tender age. He earns approximately \$200.00 every two weeks and is amply able to make proper provision for the support of the children. I have no property and am unemployed and could not take regular employment because of the age of the children. Since our separation he has not made any contribution to me or the children's support. My father has supported me and the children.

Magalene L. Stokes

My name is B. L. Jones. I am the father of Magalene Lorette Stokes, who is suing Herman P. Stokes for divorce in the Circuit Court of Baldwin County. They were married March 5, 1948 and have lived together as husband and wife until they separated November 7, 1950. They have not lived together since. He has been a merchant seaman continuously since their marriage and whenever he would come to see her at my home in Stockton where she resided during his absence. When they were married he was sober and industrious but for more than a year prior to their separation he would be drunk every time he came and would stay drunk the whole time in port. They separated because of his drinking and when he was drunk he was a man of violent temper and cursed and abused both Magalene and the children. Because of his excessive drinking he is not a suitable person to have the care and custody of the children, nor has he any one with whom he could leave them.

B. L. Jones

ORAL EXAMINATION.

I, MADELINE S. BRYARS, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition ~~son~~ 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 W. C. Beebe 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 21st day of August, 1951

Madeline S. Bryars (RS)

NO. 2704 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Magalene Lorette Stokes

vs. Complainant

Herman P. Stokes

Respondent.

Oral Deposition

Filed 8-22, 1951

Wesley H. Harts Register.
Recorded in

Record

Vol. _____ Page _____

, Register.

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

MAGALENE LORETTE STOKES

Complainant

VS.

HERMAN P. STOKES

Respondent

I, MADELINE S. BRYARS

as ~~Register and~~ Commissioner

have called and caused to come before me B. J. JONES AND MAGALENE LORETTE STOKES

witness ES named in the Requirement for Oral Examination, on the ____ day of ____
194____, at the office of W. C. BEEBE
in RAY MINETTE, Alabama, and having first sworn said Witness ES to speak the
truth, the whole truth, and nothing but the truth, the said B. J. JONES AND MAGALENE
LORETTE STOKES doth depose and say as follows:

My name is Magalene Lorette Stokes. I am 19 years of age and a resident of Baldwin County, residing at Stockton. I am the complainant in that cause pending in the Circuit Court of Baldwin County in equity for divorce against Herman P. Stokes. He is 29 years of age and a resident of Baldwin County. We were married at Lucedale, Mississippi, March 5, 1948 and lived together as husband and wife in Baldwin County until November 7, 1950 when we were separated and have not lived together since. At the time we were married he was a sober and industrious man but since our marriage he has become an habitual drunkard. We separated because of his drinking. He is a merchant seaman and when he came home he would always be drunk and while in such drunken condition frequently cursed and abused me and mistreated me and the children and because of such drunkenness we separated November 7, 1950. There were born to us two children, James Herman, aged three and Regina Lorette, aged 10 months. The children are in my custody and have been since we separated. He has no way of taking care of them and is not a suitable person because of his drinking to have care and custody of the children of such tender age. He earns approximately \$200.00 every two weeks and is amply able to make proper provision for the support of the children. I have no property and am unemployed and could not take regular employment because of the age of the children. Since our separation he has not made any contribution to me or the children's support. My father has supported me and the children.

Magalene L. Stokes

My name is B. L. Jones. I am the father of Magalene Lorette Stokes, who is suing Herman P. Stokes for divorce in the Circuit Court of Baldwin County. They were married March 5, 1948 and have lived together as husband and wife until they separated November 7, 1950. They have not lived together since. He has been a merchant seaman continuously since their marriage and whenever he would come to see her at my home in Stockton where she resided during his absence. When they were married he was sober and industrious but for more than a year prior to their separation he would be drunk every time he came and would stay drunk the whole time in port. They separated because of his drinking and when he was drunk he was a man of violent temper and cursed and abused both Magalene and the children. Because of his excessive drinking he is not a suitable person to have the care and custody of the children, nor has he any one with whom he could leave them.

B L Jones

MAGALENE LORETTE STOKES
COMPLAINANT

VS

HERMAN P. STOKES
DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

And now comes the Defendant in his own proper person and accepts service of the summons and complaint in the above styled cause, and denies each and every allegation contained in the bill of complaint, and demands strict proof of the same.

The defendant waives notice of the time of taking testimony on behalf of complainant, the right to cross-examine complainant's witnesses, and agrees that this cause be submitted forthwith for final decree without further notice.


Defendant

RECORDED
702706

Magalene Lorette Stokes
Complainant

vs.

Herman P. Stokes
Respondent

Answer & Waiver

Filed Aug. 20, 1951
Arling J. Smith
Registrar

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

WE COMMAND YOU that you summon HERMAN P. STOKES to be and appear before the Judge of the Circuit Court of Baldwin County, in equity, within thirty days after the service of summons, and there to answer, plead or demur, without oath, to a bill of complaint lately exhibited by Magalene Lorette Stokes against the said Herman P. Stokes and further to do and perform what said Judge shall order and direct in that behalf, and this the defendant shall in no wise omit, under penalty of the law; and we further command that you return this writ with your endorsement thereof, to our said court immediately upon the execution thereof.

WITNESS, ALICE J. DUCK, Register of said Circuit Court
this ___ day of August, 1951.

Register.

MAGALENE LORETTE STOKES	!	IN THE CIRCUIT COURT OF
COMPLAINANT	!	
VS	!	BALDWIN COUNTY, ALABAMA,
HERMAN P. STOKES	!	
DEFENDANT	!	IN EQUITY.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, IN EQUITY:

And now comes your complainant, Magalene Lorette Stokes, and humbly complaining against Herman P. Stokes, defendant, respectfully shows unto your Honor:

FIRST:

That your complainant is nineteen years of age, and the said Herman P. Stokes is over the age of twenty-one years, and are residents of Baldwin County, where they have resided continuously since their marriage.

SECOND:

That complainant and defendant were married March 5, 1948 in Lucedale, Mississippi, and lived together as husband and wife until November 7, 1950, when they separated at Stockton, in Baldwin County, Alabama.

THIRD:

That the said defendant at the time of their marriage was a sober and industrious man, but since their marriage has become an habitual drunkard, and because of such habitual drunkenness this complainant was compelled to separate from him as aforesaid on November 7, 1950, in Stockton, in Baldwin County, Alabama.

FOURTH:

That there were born to complainant and defendant two children, namely: James Herman Stokes, age three and Regina Lorette Stokes, age ten months, both of whom reside with and are in the custody of complainant. The defendant is an able bodied man, a merchant marine, and earns approximately \$100.00 a week, and that he is amply able to provide for the maintenance and support of the said minor children.

WHEREFORE your complainant prays that this Honorable Court will take the jurisdiction of the cause made by this bill of complaint and make the said Herman P. Stokes, party defendant hereto and by appropriate process require him to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon the final hearing of this cause this Honorable Court will make and enter a decree forever dissolving the bonds of matrimony existing between the complainant and the said defendant; that the complainant be awarded the custody and control of the said minors, and that this Honorable Court make and enter a decree awarding to, and requiring the defendant to pay, to the complainant such reasonable and suitable sum each month for the support and maintenance of the said minor children, within the ability of the defendant, and the complainant prays for such other, further or different relief as in equity and good conscience she shall be entitled to receive in the premises.


Solicitor for Complainant