

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Ruby Margaret Payne

Complainant

VS.

Septer Payne

Respondent

I, Frances G. Crawford

as Register and Commissioner

have called and caused to come before me Ruby Margaret Payne and Ethel Mae Thomas

witness is named in the Requirement for Oral Examination, on the 4th day of JUNE 1949, at the office of E. A. Cramer, Attorney in Fairhope, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Ruby Margaret Payne doth depose and say as follows:

Septer Payne and I were married May 14th 1946 at Fairhope, Alabama, and we have both been residents of Fairhope since that date and for a long time before that. I am 19 years of age and Septer is 28. We have a son, Robert Lee Payne, who is two years of age. Almost from the beginning, we have had trouble, mostly because Septer would not take care of me and the baby. My Mother has had to help us out with food and clothing all the time. I told Septer that I had to have money to buy groceries and clothing for Robert and myself and, most of the time, Septer would get very mad because I asked him. He has beaten me from time to time, the last time being on Saturday, March 5th 1949, when he beat me so bad that he bruised me badly and I had to run out to get away from him. I went to my Mother's at Clay City, just out east of Fairhope. My Mother is Rosa Thomas. She works for Mr. B. C. Anderson. I am afraid of Septer. He has threatened to kill me and I think he might do that if I had stayed with him.

If I am granted a divorce, I would like custody of Robert Lee, and I would like to have Septer made to pay a regular amount to take care of us.

I am willing for Septer to visit Robert Lee at reasonable times.

I don't know exactly how much Septer earns. He never has told me but I believe that he could afford to pay at least ten dollars each week for the baby and me.

Ruby Margaret Payne

And the said Ethel Mae Thomas doth depose and say as follows:

I am married to Ruby Payne's brother. I have known Septer and Ruby about a year. I know that they have not been getting along and that he has not been supporting them and that my mother-in-law has helped Ruby and the baby a lot. ~~I know that~~ I know that she ran out of her house on Saturday, March 5th, and has been living with my mother-in-law ever since. I have not seen it but she has told me two or three times about Septer beating her up.

Ethel Mae Thomas

ORAL EXAMINATION.

I, Frances J. Crawford, 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 ~~is~~ and read over to ~~them~~ and ~~they~~ signed the same in the presence of myself _____

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ~~is~~ or had proof ~~made~~ before me of the identity of said witness ~~is~~; 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 7th day of ~~June~~ JUNE, 1949.

Frances J. Crawford (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed 7-11, 1949

King J. Black, Register.
Recorded in _____

Record _____

Vol. _____ Page _____

Register.

Ruby Margaret Payne

vs.

Lester Payne

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,

Testimony of Complainant
and witness, Ethel Mae Thomas

and in behalf of Defendant upon

Answer & waiver

F.A. Cramer

David J. Leach

Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Ruby Margaret Payne

vs.

Septie Payne

NOTE OF TESTIMONY

Filed in Open Court this *11th*

day of *July*, 194*9*...

Henry J. Hester
Register.

Printed By The Baldwin Times

Ruby Margaret Payne
Complainant,
VS.
Septer Payne
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: Ruby Margaret Payne and Ethel Mae

Thomas

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

E. Q. Cramer
Solicitor for Complainant.

NOTE:

Complainant suggests the name of Frances G. Crawford

as a suitable and competent person to act as commissioner upon the examination of said witnesses.

E. Q. Cramer
Solicitor for Complainant.

DEMAND FOR ORAL EXAMINATION.

RUBY MARGARET PAYNE,
Complainant,

SEPTER PAYNE,
Respondent.

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

Filed this day of,

194.....

Register.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Mrs Frances G. Crawford

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 Margaret Payne

and Ethel Mae Thomas

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

Ruby Margaret Payne

and Septer Payne, Complainant

Respondent

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

Witness 2nd day of April, 194 9

Alice J. Luck
Register.

Commissioner's Fee, \$ None
Witness' Fees, \$ None

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Ruby Margaret Payne

Complainant

VS.

Septer Payne

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

[Faint, mostly illegible handwritten text, possibly a deposition transcript or notes, covering the majority of the page.]

Ruby Margaret Payne)	CIRCUIT COURT
Complainant)	
)	BALDWIN COUNTY
vs)	
)	ALABAMA
Septer Payne)	
Respondent)	IN EQUITY

To The Honorable Telfair J. Mashburn, Jr., Judge of said Court,
sitting in Equity:

Comes Ruby Margaret Payne, Complainant, and exhibits this, her Bill of Complaint against SEPTER PAYNE and respectfully shows unto Your Honor as follows:

First: Complainant, whose age is 19 years, and Respondent, Septer Payne, whose age is 28 years, intermarried May 14th 1946 at Fairhope, Alabama.

Second: Both parties to this cause have been residents of Fairhope, Baldwin County, Alabama, since long before the date of said marriage and they do now reside therein.


Third: To said marriage was born a child, Robert Lee Payne, presently aged two years.

Fourth: Since said marriage, Respondent has failed to properly support Complainant and, since the birth of said child, he has failed to properly support said child.

Fifth: For more than one year past, Respondent has conducted himself toward Complainant in such manner as to put her in fear of her life, health and safety in that he committed acts of violence upon her person and, from his conduct, there is reasonable apprehension that he may again commit similar acts.

The premises considered, Complainant prays that said SEPTER PAYNE be, by all proper and legal process, made party defendant to this suit and that he be required to answer, plead or demur to the several paragraphs of the within Bill of Complaint within the time prescribed by law and that he be compelled to abide and obey all orders and decrees made in the premises.

Further, Complainant prays, upon a hearing of this cause, that a decree be granted forever divorcing her from said Septer Payne, that she be awarded the custody and care of said child, Robert Lee Payne, and that said Septer Payne be ordered to pay such periodic amounts for alimony and support as may seem proper and meet to Your Honor and granting her such other, different and further relief as to Your Honor may deem meet and proper.


Solicitor for Complainant.

m 7 2 6 2

Ruby Margaret Payne

vs.

Septer Payne

Summons & Complaint

return

FILED

APR 1 1949

ALICE A. DUCK, Register

[Handwritten signature]

Ruby Margaret Payne
Complainant

vs

Septer Payne
Respondent

CIRCUIT COURT

BALDWIN COUNTY

ALABAMA

IN EQUITY

Comes, Septer Payne and, for answer to the Bill of Complainant in the above titled cause wherein he is Respondent, says that he denies each and every allegation therein excepting such as relate to ages, residence, dates and the existance of said marriage which said allegations are hereby admitted.

Further, Respondent waives the right to demand for oral testimony, the right to introduce evidence or to cross-examine Complainant or her witnesses and agrees that this cause may be submitted for final decree, without further notice to him, on Complainant's pleadings and evidence as noted by the Register.

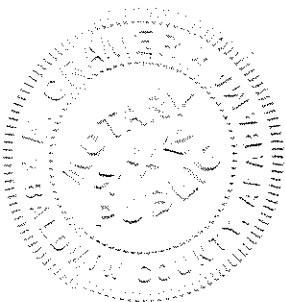
Septer Payne is

State of Alabama
Baldwin County

Before me, E. Cramer, a Notary Public in and for said County and State, personally appeared Septer Payne, known to me, and, being fully informed of the contents of the foregoing answer and waiver, he acknowledged that he signed same voluntarily.

Given under my hand and seal this 31st day of March, A. D. 1949.

E. Cramer



The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

RUBY MARGARET PAYNE

Complainant

VS

SEPTER PAYNE

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confessor~~ 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 Margaret Payne is forever divorced from the said

Septer Paynefor and on account of INTOLERABLE CRUELTY

It is further ordered, adjudged and decreed that said Complainant, Ruby Margaret Payne, shall have the custody and care of the minor child, Robert Lee Payne,

It is further ordered, adjudged and decreed that said Septer Payne shall have the right to reasonable visitation with said child,

It is further ordered, adjudged and decreed that said Respondent, Septer Payne, shall pay not less than ~~\$10~~ Five Dollars each week hereafter as alimony and support to Complainant

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

be, and hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that

the pay the cost herein to be taxed, for which execution may issue.

This 13th day of July, 1949.

Julian J. Mathis
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.

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No..... Page.....

The State Of Alabama

Baldwin County

In Circuit Court, In Equity

.....
vs. Complainant.

.....
Respondent.

DIVORCE DECREE

FILED

JUL 14 1949

ALICE A. DUCK, Register