

LELIA MARIE SIMMONS
Complainant

VS

WINSTON MARTIN SIMMONS
Respondent

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

Now come the Respondent Winston Martin Simmons, in person and files answer and waiver of the summons and complaint in this cause.

The Respondent admits the allegations contained in the bill of complaint, as to marriage, however denies the allegation as to charge of abandonment, and demands strict proof of the same.

The Respondent waives notice of the time of taking testimony on behalf of the Complainant; the right to cross examine witnesses; agrees that Mrs. Iona Hand act as special Commissioner; and that this complaint be submitted for final decree without further notice.

Winston Martin Simmons
Respondent

FLORIDA
STATE OF ~~ALABAMA~~
COUNTY OF ~~ESCAMBIA~~

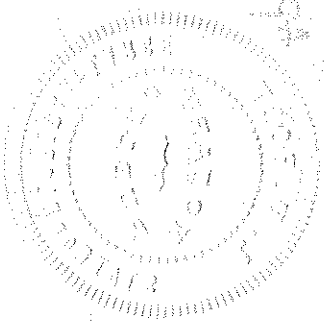
I, L. M. HOLT, a Notary Public, in and for said County, in said State, hereby certify that Winston Martin Simmons, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this 15 day of ~~March~~, 1949.

APRIL

L. M. Holt

My Commission Expires Feb. 29, 1952.



RECEIVED DEPT. OF JUSTICE

400th M.F.

RECEIVED DEPT. OF JUSTICE

TO THE ATTORNEY GENERAL

IN REPLY TO YOUR LETTER OF THE 14TH INSTANT, I HAVE THE HONOR TO ACKNOWLEDGE THE RECEIPT OF YOUR LETTER OF THE 14TH INSTANT, AND TO INFORM YOU THAT THE MATTER IS BEING HANDLED BY THE APPROPRIATE AGENCIES.

DEPT. OF JUSTICE
WASHINGTON, D.C.

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FILED

4-22-49

RECEIVED DEPT. OF JUSTICE

TO THE ATTORNEY GENERAL

DEPT. OF JUSTICE
WASHINGTON, D.C.

21

DEPT. OF JUSTICE
WASHINGTON, D.C.

RECEIVED DEPT. OF JUSTICE

400th M.F.

TO THE ATTORNEY GENERAL

RECEIVED DEPT. OF JUSTICE

THE STATE OF ALABAMA }
Baldwin County }

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

LELIA MARIE SIMMONS COMPLAINANT

vs.

WINSTON MARTIN SIMMONS RESPONDENT

I, Tona G. Hand

as Register and Commissioner

have called and caused to come before me Lelia Marie Simmons

witness named in the requirement for Oral Examination, on the 14th day of April

1949, at the office of C. LeNoir Thompson

in Baldwin County, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Lelia Marie Simmons

doth depose and say as follows:

That my name is Lelia Marie Simmons, that I am over the age of 21 years and that my husband, Winston Martin Simmons, is also over the age of 21 years, and that we have been residents of Alabama more than 2 years next preceding. That we were married at Laurel, Mississippi, January 15, 1943 and lived together as husband and wife until, on or about March 1, 1948, at which time my husband abandoned me and our children without any cause on my part. While we were married and lived together as husband and wife there were born unto us three children, Schelia Rae Simmons, now about 3 years of age, Winston Martin Simmons, Jr., now about 2 years of age, and William Curtis Simmons, less than 1 year of age. These children are in my care and are living with me and have lived with me since they were born.

I have had to support them almost entirely since each of them were born and I have had to support them completely for more than a year. I do not ask the court for much money for maintenance but feel that if my husband comes within the jurisdiction of this court that he should be willing to give toward the maintenance of these children, at least \$15.00 a week and that he would be able to pay this and I do ask that you allow me \$15.00 a week for all of the children. I do not ask anything for myself and I further ask for the custody and control of these children.

Lelia Marie Simmons

I, Iona G. Hand 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 her and she signed the same in the presence of myself and C. LeNoir Thompson 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 194 day of April

Iona G. Hand (L. S.)

No. 2273

Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

LELIA MARIE SIMMONS

COMPLAINANT

VS.

WINSTON MARTIN SIMMONS

RESPONDENT

ORAL DEPOSITION

Filed _____, 194

_____, Register.

RECORDED IN

_____, Record

Vol. _____ Page _____

_____, Register

LELIA MARIE SIMMONS

VS.

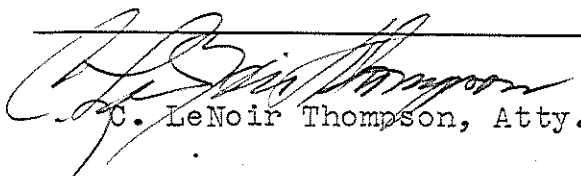
WINSTON MARTIN SIMMONS

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,

AND oral deposition of Lelia Marie Simmons

and in behalf of Defendant upon Answer and Waiver


C. LeNoir Thompson, Atty.

Register.

No. 2273

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

LELIA MARIE SIMMONS

vs.

WINSTON MARTIN SIMMONS

NOTE OF TESTIMONY

Filed in Open Court this 22nd

day of April, 1949

Alvin J. Hines
Register

Printed By The Baldwin Times

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Iona G. Hand

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

LELIA MARIE SIMMONS

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

, Complainant
and

Winston Martin Simmons Respondent

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

Witness 14th day of April, 194 9

Alvin A. Hesketh
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 2273

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

LELIA MARIE SIMMONS

Complainant

VS.

WINSTON MARTIN SIMMONS

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

LELIA MARIE SIMMONS
Complainant

VS

WINSTON MARTIN SIMMONS
Respondent

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

TO THE HONORABLE TELFAIR J. WASHBURN, JR., JUDGE OF
THE TWENTY-FIRST JUDICIAL CIRCUIT, BAY MINETTE, BALDWIN
COUNTY, ALABAMA, IN EQUITY:

Comes the Complainant Lelia Marie Simmons, who shows
unto your Honor the following State of facts:

1. That Complainant is over the age of twenty-one
and Respondent is over the age of twenty-one years and are
both bona-fide residents of Baldwin County, Alabama.

2. That your Complainant and Respondent married at
Laurel, Mississippi, on January 15, 1943 and lived toget-
her as husband and wife until separated on March 1, 1948.

3. That as fruits of their marriage there was born
to their union, three children, Schelia Rae Simmons, age
three years, Winston Martin Simmons, Jr., age two years,
and William Curtis Simmons, age 7 months, and that said
children reside with the Complainant.

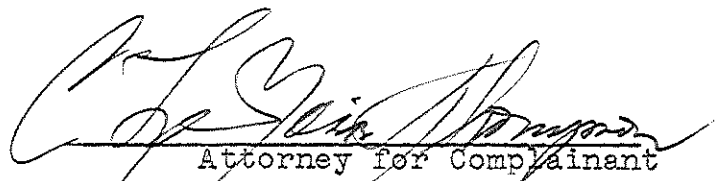
4. That on to-wit March 1, 1948, the Respondent
voluntarily abandoned the bed and board of your Complainant,
and has remained away voluntarily and continuously since that
time.

5. Complainant requests that the court award her
maintenance for the children in the aggregate sum of \$15.00
weekly for said children.

PRAYER

WHEREFORE, THE PREMISES CONSIDERED, your complainant
prays that your Honor will by proper process, make the said
Winston Martin Simmons, party respondent to this cause of
action in order that Complainant may have the relief herein-
after prayed for, requiring him to plead, answer or demur to
the same within the time and under the penalties prescribed
by law and the practice of this Honorable Court.

That on final hearing of this cause, that Your Honor
will grant unto her an absolute divorce, forever dissolving
the bonds of matrimony existing between your Complainant and
the Respondent, and at the time of rendering this decree,
Your Honor will grant unto each of them the right to again
contract marriage; that Your Honor will grant to your Com-
plainant the care, control and custody of their children,
Schelia Rae Simmons, Winston Martin Simmons, Jr., and
William Curtis Simmons.


Attorney for Complainant

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LELIA MARIE SIMMONS, Complainant

vs.

WINSTON MARTIN SIMMONS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Waiver and Answer 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 Lelia Marie Simmons is forever divorced from the said Winston Martin Simmons for and on account of

ABANDONMENT

Simmons
and the said Lelia Marie is granted the custody and control of the children, Schelia Rae Simmons, Winston Martin Simmons, Jr., and William Curtis Simmons. It is further decreed that the said Respondent shall pay the said Lelia Marie Simmons as maintenance for the children aforesaid the sum of \$15.00 a week.

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 Lelia Marie Simmons the Complainant pay the cost herein to be taxed, for which execution may issue.

This 22 day of April, 1949

J. Fair J. Mashburn, Jr.
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. 2273 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

LELIA MARIE SIMMONS

Complainant

vs.

WINSTON MARTIN SIMMONS

Respondent

DIVORCE DECREE

Filed

4-22-49

*Alicia L. Smith
Registrar*