

2319

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Robert Horton, to appear and plead, answer or demur within thirty days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in equity, by Hazel Horton, as Complainant and against Robert Horton, as Respondent.

WITNESS my hand this 21st day of July, 1949.

Reice J. Muck
Register

=====

HAZEL HORTON	§	IN THE CIRCUIT COURT OF
COMPLAINANT	§	BALDWIN COUNTY, ALABAMA
VS.	§	IN EQUITY
ROBERT HORTON	§	NO 2319
RESPONDENT	§	

TO HON. TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA:

Your Complainant, Hazel Horton, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both bona fide residents of Baldwin County, Alabama, and nineteen years of age.

2.

That your Complainant and the Respondent married in Montgomery, Alabama, on January 28, 1949, and lived together as husband and wife, until on to-wit, June 29, 1949.

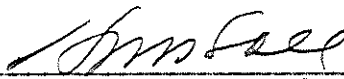
3.

That on June 29, 1949, and on various occasions prior thereto, the Respondent threatened and abused the Complainant, and did actual violence to her person which necessarily endangered her life and health; that the conduct of the Respondent is such as to give the Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with the Respondent he would carry out his threats and do further violence to her person

which would necessarily endanger her life and health.

WHEREFORE the premises considered your Complainant prays that your Honor will by proper process make the said Robert Horton, party respondent to this bill of complaint, 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.

Complainant further prays that upon a final hearing hereof your Honor will make and enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that she is granted such other, further, different or general relief as she may be in equity and good conscience entitled to receive.



Solicitor for Complainant

no 2319

SUMMON AND COMPLAINT

HAZEL HORTON

COMPLAINANT

VS.

ROBERT HORTON

In law office of H. M. Hall

Filed this 21st day of July, 1949.

W. J. Luck
Registrar

HAZEL HORTON

COMPLAINANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

VS.

ROBERT HORTON

RESPONDENT

Now comes the Respondent and accepts service of summons and complaint in this cause.

The Respondent admits the allegations as to ages, residences and marriage, but denies all other allegations contained in the bill of complaint, and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

Robert D Horton

C. Levis Thompson

STATE OF ALABAMA
BALDWIN COUNTY

I, S. M. Lee, a Notary Public, in and for said County, in said State, hereby certify that Robert Horton, 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 the ____ day of July, 1949.

S. M. Lee
Notary Public, Baldwin County, Alabama.

ANSWER AND WAIVER

HAZEL HORTON

COMPLAINANT

VS.

ROBERT HORTON

RESPONDENT

FILED
JUL 21 1949
ALICE J. DUCK, Register

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

HAZEL HORTON

Complainant

VS.

ROBERT HORTON

Respondent

I, Louise Morris

as Register and Commissioner

have called and caused to come before me Hazel Horton

witness named in the Requirement for Oral Examination, on the 20 day of July
1949, at the office of H. M. Hall
in Baldwin County, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said Hazel Horton
doth depose and say as follows:

My name is Hazel Horton. I am a bona fide resident of Baldwin County, Alabama, and nineteen years of age. The Respondent is a bona fide resident of Baldwin County, Alabama, and nineteen years of age.

The Respondent and I married at Montgomery, Alabama, on January 28, 1949. We lived together as husband and wife, until on to-wit, June 29, 1949.

The Respondent soon after our marriage began to mistreat me and often abused and threatened me and threaten to do violence to my person, which would necessarily endanger my life and health. The conduct of the Respondent was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with him, he would carry out his threats, and do violence to my person which would necessarily endanger my life and health.

The Respondent and I have no children, nor is there a possibility of any children.

I have thoroughly considered the matter and am to the conclusion that the Respondent and I can never get along as husband and wife. I have concluded that it is better for us to separate, get a divorce and each go our respective ways.

Hazel Horton

ORAL EXAMINATION.

I, Louise Morris, 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—and read over to her and she signed the same in the presence of myself H. M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proom 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 20 day of July, 1949.

Louise Morris (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

HAZEL HORTON

vs. Complainant

ROBERT HORTON

Respondent.

Oral Deposition

Filed 7-21, 1949

Recorded in

Louise Morris, Register.

Record

Vol. _____

Page _____

, Register.

HAZEL HORTON

vs.

ROBERT HORTON

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

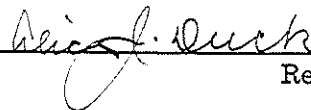
Circuit Court of Baldwin County

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

Answer and waiver of Respondent and testimony of Complainant.

and in behalf of Defendant upon _____

H.M. HALL



Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

HAZEL HORTON

vs.

ROBERT HORTON

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194.....

FILED

Register.

Printed By The Baldwin Times

JUL 21 1949

ALICE J. DUCK, Register

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: LOUISE MORRIS

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 Hazel Horton

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

Hazel Horton
Complainant
and Robert Horton
Respondent

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

Witness 20 day of July, 1940

W. J. Luck Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 2314

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

HAZEL HORTON

Complainant

VS.

ROBERT HORTON

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

LOUISE MORRIS

WITNESSES:

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

HAZEL HORTON

, Complainant

vs.

ROBERT HORTON

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Conesso~~
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 here-
tofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and
that the said Hazel Horton is forever divorced from the
said Robert Horton for and on account of

Cruelty

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 Robert Horton

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

This 18th day of August, 1949.

Jeffair 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 de-
cree is on file and enrolled in my office.

Witness my hand and seal this the _____ day
of _____, 19_____

Register of Circuit Court, In Equity.

2319

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

HAZEL HORTON

Complainant

vs.

ROBERT HORTON

Respondent

DIVORCE DECREE

FILED

AUG 18 1949

ALICE J. DUCK, Register

THE STATE OF ALABAMA
Baldwin County

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

Martha D. Spence Malone

COMPLAINANT

VS.

William A. Malone

RESPONDENT

I, Ruth Frazer

as ~~Register~~ and Commissioner

have called and caused to come before me Martha D. Spence Malone and

W. L. Spence

witnesses named in the Requirement for Oral Examination, on the _____ day of _____

1949, at the office of W. C. Beebe

in Bay Minette, Alabama, and having first sworn said witnesses to speak the truth,

the whole truth, and nothing but the truth, the said Martha D. Spence Malone

doth depose and say as follows:

Martha D. Spence Malone says:

My name is Martha D. Spence Malone. I am Complainant in the suit against William A. Malone in the Circuit Court of Baldwin County, Alabama in equity for annulment of marriage. I was 14 years old July 1, 1949. William A. Malone is 17 years old. We both have lived in Baldwin County continuously for more than 3 years. On Saturday evening of July 9, 1949, He and I and another boy and girl went riding and rode over into Mississippi into George County and as a joke he and I went through a marriage ceremony before Mr. R. A. Rouse, Circuit Clerk. We did not intend to be married but thought it a joke on the other couple. We have not co-habited together. On learning that such a ceremony made us married I talked with my father and filed this petition for annulment. We did not have any intention of being married neither of us did. We both want the marriage annulled. I want to stay at home with my parents and finish my education.

Martha D. Spence Malone

deposes and says as follows:

My name is W. L. Spence. I am the father of Martha, the complainant. She was 14 July 1, 1949. She is not sufficiently developed to be a wife. Monday July 11 she told me about the marriage ceremony and asked me if she was married. She said she did not intend to be married. I talked with William. He said he did not intend to be married. Both said they thought they were just playing a joke on the other couple. I have had a doctor examine her and attach his certificate to this deposition.

W. L. Spence

ORAL EXAMINATION

I, Ruth Freezer, 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—s and read over to them and they signed the same in the presence of myself W. C. Beebe

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—s; 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 1 day of August, 1949
Ruth Freezer (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

Martha Spencer Malone

Complainant

Vs.

William A. Malone

Respondent

ORAL DEPOSITION

Filed 8-1, 1949

W. C. Beebe, Register

RECORDED IN

Record

Vol. _____ Page _____

_____, Register

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Martha D. Spence Malone, Complainant

vs.

William A. Malone, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on 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 Martha D. Spence Malone is forever divorced from the said William A. Malone for and on account of the fact that the marital ceremony was not entered into by the parties with the essential marital intent, and the same is hereby annulled and held for naught and the said parties are not now and never have been husband and wife.

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. The Complainant is authorized to resume her maiden name, Martha D. Spence

It is further ordered that Martha D. Spence Malone the Complainant pay the cost herein to be taxed, for which execution may issue.

This 1st day of August, 1949

Julian J. Masbury
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. 2320 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant.

vs.

Respondent.

DIVORCE DECREE

FILED
AUG 1 1949
ALICE J. DUCK, Register

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,
Baldwin County.

} NO. _____ TERM, 194__.

Martha Spencer Malone
Complainant—

VS.

William A. Malone
Respondent—

TO H. S. DUCK, REGISTER:

In the above stated cause an answer
having been filed by William A. Malone 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. _____

Martha Spencer Malone
Complainant—

VS.

William G. Malone

Respondent—

Request For Decree In Vacation

Filed

Aug 1, 1949

Wm. G. Malone

Register.

Martha A. Prince Malone

vs.

William A. Malone

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,

*bill of Complaint, answer of
defendant and depositions of Martha
A. Prince Malone*

and in behalf of Defendant upon

answer

Wm. A. Malone
Attest: *Wm. A. Malone* Register
for Complaint

No. 2321

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Northad Grace Malone

VS.

William A. Malone

NOTE OF TESTIMONY

Filed in Open Court this 1

day of July, 1949

W. A. Malone
Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court

To

Ruth Frazier

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

Martha A. Spence Malone
and W. L. Spence

as witnesses in behalf of

Complainant

in a cause pending in our

Circuit Court in Baldwin County, of said State, wherein

Martha A. Spence
Malone is

Complainant

and

William A. Malone is

Respondent

on oath, to be by you administered, upon

Oral Examination

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness

day of

1st August, 1929

Register

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Marta Spencer Malone

Complainant

VS.

William A. Malone

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

Martha L. Spencer Melan
Complainant,
VS. *William A. Melan*
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: *Martha L. Spencer*
Melan, and W. L. Spencer

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

W. C. Beebe
Solicitor for Complainant.

NOTE:

Complainant suggests the name of

Erith Frazier

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

W. C. Beebe
Solicitor for Complainant.

BT-2-47-100

DEMAND FOR ORAL EXAMINATION.

Martha A. Bruce Wallace
Complainant,

Vs.

William A. Wallace
Respondent.

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

Filed this 1 day of Aug,
1949.

Archie J. Leach
Register.

MARTHA D. SPENCE MALONE
COMPLAINANT

VS

WILLIAM A. MALONE
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 admits each and every allegations contained in the bill of complaint, and waives 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.

William A. Malone
Defendant

Witnesses:

Mrs P.C. Jackson
Mr. G.W. Grier

m 2322

Martha H. Spruce
Malone

W.S.

William A. Malone

Filed Aug 1, 1949

Alice J. Leach
Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, that you summon WILLIAM A. MALONE to be and appear before the Judge of Probate of the Circuit Court of Baldwin County, Alabama, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by MARTHA D. SPENCE MALONE against the said WILLIAM A. MALONE, and further to do and perform what the said Judge shall order and direct in that behalf and this the Defendant shall in no wise omit, under penalty of law. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESSE, ALICE J. DICK, Register of said Circuit Court,
this the 14 day of Aug, 1949.

Alice J. Dick
Register.

MARTHA D. SPENCE MALONE
COMPLAINANT

VS

WILLIAM A. MALONE
DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

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

Now comes your Complainant, Martha D. Spence Malone, and humbly complaining against the Defendant, William A. Malone, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant was 14 years of age July 1, 1949: that the said William A. Malone is 17 years of age; that they have both resided in Baldwin County for more than 3 years next continuously.

2.

Complainant further shows unto this Honorable Court that on July 9, 1949, on a Saturday afternoon, your Complainant and the said William A. Malone with another boy and girl went riding and rode over into George County, Mississippi, and in a childish play went through the ceremony of marriage before W. A. Rouse, Circuit Court of said County; that it was intended both your Complainant

and defendant as a joke and they neither intended to be married; that they have not co-habited together; that they are now advised that such ceremony, though not intended by them or either of them to make them man and wife, was a colorable marriage and that the same ought to be annulled and set aside and held for naught.

WHEREFORE this petition prays this Honorable court will take jurisdiction of the cause made by this bill of complaint and that the said William A. Malone be made party defendant hereto and by appropriate process, be required to plead, answer, or demur to this bill of complaint, within the time and under the pains and penalties prescribed by law and the practice of this Honorable court.

Complainant further prays to open this hearing of this cause this Honorable court will make and enter an order and decree forever dissolving the bonds of matrimony between Complainant and said defendant, and annulling the aforesaid marriage; that the such marriage be set aside and held for naught; and that it be further adjudged and decreed that Complainant and Defendant are not and never have been married; and that she be permitted to assume her maiden name, of Martha D. Spence; Complainant further prays for such other, further or different relief as in equity and good conscience she shall be entitled to receive in the premises.

Martha D. Spence Malone
Complainant