

EX PARTE, TILLMAN HAMPTON HUBBARD, a minor, by Robert L. Hubbard, his father and next friend, Petitioner.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, in Equity Sitting:-

Now comes Tillman Hampton Hubbard, acting by and through Robert L. Hubbard, who is his father and next friend, and respectfully represents and shows unto your Honor the following:-

1. That your petitioner, Tillman Hampton Hubbard is a minor, under the age of twenty-one years, and that his next friend, Robert L. Hubbard, is over the age of twenty-one years and both are resident citizens of Summerdale, Baldwin County, Alabama.

2. That heretofore, on to-wit, the 9th day of October, 1946, Robert L. Hubbard filed with the Alabama State Board of Health, Bureau of Vital Statistics, in behalf of your petitioner, a delayed Certificate of Birth application, showing thereon the date of birth of your petitioner as being the 19th day of June, 1939, which said application was supported by an affidavit of the said Robert L. Hubbard, and of H. W. Jordan, M. D., and on which a special Certificate of Birth was issued to your petitioner.

3. Petitioner further shows that the name of his mother as shown on the special Delayed Certificate of Birth is misspelled, it being shown thereon as Vida Virginia Norden.

4. Petitioner further shows unto the Court that he was actually born on the 19th day of June, 1940, and that the information shown on his Certificate of Birth should be as follows:

- (1). Full Name: Tillman Hampton Hubbard. (2). Date of Birth: June 19, 1940. (3). County of Birth: Baldwin, State of Alabama. (4). Place of Birth: Summerdale. (5). Male. (8). Total Number of other brothers or sisters; Born to petitioner's mother: (a). Older brothers and sisters: Two. (b). Older brothers and sisters living: Two. (9). Father's name: Robert Leon Hubbard. (10). Address at time of Birth: Summerdale,

Alabama. (11). Color: White. (12). Age at time of Birth: 28 years. (13). Where Father Born: Milview, Florida. (14). Father's Occupation at time of Birth: Farmer. (15). Full name of Mother before marriage: Vida Virginia Norden. (16). Address of Mother at time of Birth: Summerdale, Alabama. (17). Color: White. (18). Age of Mother at time of Birth: 23. (19). Where Mother Born: Silverhill, Alabama. (20). Occupation of Mother at time of Birth: Housewife.

Petitioner further shows that he was born in the home of his father and mother in Summerdale, Baldwin County, Alabama, and that Dr. H. W. Jordan, of Robertsdale, Alabama, who is now dead, was the attending physician.

5. Petitioner further shows that an erroneous Delayed Birth Certificate having been issued, that he cannot now meet the standard requirements for filing a Delayed Certificate of Birth.

WHEREFOR your Petitioner prays that his petition may be set down for hearing, and that such notice may be given as is required by law and as may seem proper, and that upon the day set for hearing the Court will make and enter an Order directing the Director and State Registrar of the Bureau of Vital Statistics of the State Department of Health of the State of Alabama, to remove from the records the delayed Birth Certificate of October 9, 1946, issued in the name of your petitioner, and your petitioner further prays that his date of Birth be ascertained and fixed as June 19, 1940, and that the Delayed Certificate of Birth be otherwise corrected, particularly as to the spelling of his Mother's name, and that said Order and Decree direct and require the Director and Registrar of the Bureau of Vital Statistics of the Alabama State Board of Health to prepare a Delayed Certificate of Birth from the information contained in said Decree, and substitute the same for the one now on file in the Office, in the name of your Petitioner, and Petitioner prays for such other,

and general relief as may seem just and proper.

Tillman Hampton Hubbard  
Petitioner

BY: Robert L. Hubbard  
His next friend

[Signature]  
Solicitor for Petitioner

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, a Notary Public in and for said County in said State, personally appeared Robert L. Hubbard, who is known to me and who, after being by me first duly and legally sworn, deposes and says: That he is the father of the Petitioner, Tillman Hampton Hubbard, and that he executed the foregoing petition as the father and next friend of the said Petitioner, and that the matters and facts set out in the foregoing petition are true.

Robert L. Hubbard

Sworn to and subscribed before me  
on this the 18<sup>th</sup> day of June,  
1957.

[Signature]  
Notary Public, Baldwin County  
State of Alabama

*filed June 21, 1957*  
*W. J. Luck, Register*

EX PARTE, TILLMAN HAMPTON  
HUBBARD, a minor, by Robert  
L. Hubbard, his father and  
next friend,

Petitioner.

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

ORDER

The petition of Tillman Hampton Hubbard for a delayed Certificate of Birth to represent his true age, and for the removal of the erroneous Delayed Certificate of Birth now on file with the State Registrar of Vital Statistics, State Health Department, being presented to the Court, it is hereby,

ORDERED that petition be set down for hearing on the 9<sup>\*</sup>  
day of ~~July~~<sup>July</sup>, 1957, at 9:00 o'clock, A. M.

IT IS FURTHER ORDERED that the Register of this Court give notice to the Solicitor of Baldwin County, Alabama, and to the State Registrar of Vital Statistics, by mailing to each a copy of this Order, and she shall also post a copy of this Order at the Courthouse door of Baldwin County, Alabama, all as prescribed by Section 39 (1), of Title 22, of the Code of Alabama of 1940, as amended.

DONE in Bay Minette, Baldwin County, Alabama, on this the  
18 day of ~~July~~<sup>June</sup>, 1957.

Hubert M. Hall  
Hubert M. Hall, Judge Twenty-eighth  
Judicial Circuit, in Equity Sitting

ORDER

EX PARTE, TILLMAN HAMPTON  
HUBBARD, a minor, by Robert  
L. Hubbard, his father and  
next friend,

Petitioner.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

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FILED

SEP 18 1957

ALICE J. BUCK, Clerk

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EX PARTE, TILLMAN HAMPTON	)	
HUBBARD, a minor, by Robert	)	IN THE CIRCUIT COURT OF
L. Hubbard, his father and	)	
next friend,	)	BALEWIN COUNTY, ALABAMA
	)	
Petitioner.	)	IN EQUITY

FINAL DECREE

This cause now coming on to be heard on the petition of Tillman Hampton Hubbard, acting through his next friend, Robert L. Hubbard, praying that the Delayed Birth Certificate now on record with the Bureau of Vital Statistics, Health Department, State of Alabama, be corrected, and that the true age of the Petitioner be determined and made of record, and that the Bureau of Vital Statistics, Health Department, State of Alabama, be furnished the proper information and data from which to prepare a Corrected Delayed Certificate of Birth, giving the true age of Petitioner, and it appearing to the satisfaction of the Court that due notice of application by Petitioner for Corrected Delayed Certificate of Birth has been given as required by Law, and that the Bureau of Vital Statistics has received due notice of the date and time of said hearing, and that notice thereof was posted at the Courthouse door of Baldwin County, Alabama, and that notice thereof was given to the Solicitor of this County, all as provided by Law.

The Court does now proceed to hear the petition filed in this case and to examine witnesses and to hear evidence: And it appearing to the satisfaction of the Court, from the oral testimony taken in the open Court, that the allegations contained in the petition in this cause are true, and the Delayed Birth Certificate now on file in the Buareu of Vital Statistics in the name of Tillman Hampton Hubbard, being File No. 65441, is in error, and should be changed on the records of said Bureau, and that the true date of birth of the Petitioner is June 19, 1940, and that the correct spelling of the name of his mother before marriage was Vida Virginia Norden.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, and it is the judgement of the Court that a public record of the time and


c. g. c.

place of birth, and parentage of petitioner be, and the same is hereby ordered and established as follows:- 1. Full name at Birth: Tillman Hampton Hubbard. 2. Date of Birth: June 19, 1940. 3. County of Birth: Baldwin County, Alabama. 4. Place of Birth: Summerdale, Alabama. 5. Sex: Male. 6. Not Pertinent. 7. Not Pertinent. 8. Other children born to mother of this child: (a). Total number of older brothers and sisters: Two. (b). Number of older brothers or sisters living: Two. 9. Full name of Father: Robert Leon Hubbard. 10. Address at time of Birth: Summerdale, Alabama. 11. Color: White. 12. Age at time of Birth: 28 years. 13. Where Born: Millview, Florida. 14. Occupation at time of Birth: Farmer. 15. Full name of mother before marriage: Vida Virginia Norden. 16. Address at time of Birth: Summerdale, Alabama. 17. Color: White. 18. Age at time of Birth: 23 years. 19. Where born: Silverhill, Alabama. 20. Occupation at time of Birth: Housewife.

IT IS FURTHER ORDERED that the Registrar of the Bureau of Vital Statistics, State Health Department, change on the records of said Department, the Delayed record of birth of Tillman Hampton Hubbard shown in State File No. 65441, in records of said Department, and that the State Registrar of the Bureau of Vital Statistics cause to be corrected in the records of said Department, the Delayed Certificate of Birth so as to embody the facts concerning the birth of said petitioner, Tillman Hampton Hubbard as set out above in this Decree.

IT IS FURTHER ORDERED by the Court that this Decree be recorded in the records of this Court, and that a Certified copy thereof be recorded in the office of the Probate Judge of Baldwin County, Alabama, and a copy in the office of the State Registrar of Vital Statistics, Montgomery, Alabama.

DONE at Bay Minette, Alabama, this the 22 day of November, 1957.

  
Hubert M. Hall, Judge of the Twenty-eighth Judicial Circuit, Baldwin County, Alabama

100-100000-100000

FILED  
DEC 3 1957  
ALICE J. BOCK, Register

100-100000-100000



5.2  
EX PARTE TILLMAN HAMPTON HUBBARD, ) IN THE CIRCUIT COURT OF  
a Minor, by ROBERT L. HUBBARD, his ) BALDWIN COUNTY, ALABAMA.  
father and Next friend. )  
IN EQUITY  
)

ROBERT LEON HUBBARD, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Chason.

Q. Are you Robert Leon Hubbard?

A. I am.

Q. I would like to show you this copy of birth certificate Mr. Hubbard and ask you if that is a true and correct birth certificate of Tillman Hampton Hubbard dated October 19, 1946?

A. No sir.

Q. That is your signature?

A. Yes sir.

Q. Is the information contained on this birth certificate as to the date of birth correct, Mr. Hubbard?

A. No sir, it should be 1940 instead of 1939.

Q. The correct date of the birth of Tillman Hampton Hubbard was June 19, 1940?

A. That is right.

Q. What is your wife's name?

A. Vida Virginia Hubbard.

Q. Is Virginia spelled correctly on here?

A. No sir, it is spelled V I R G I N A.

Q. Is the other information on this birth certificate as to your name and place of residence correct?

A. It is.

Q. The only two errors in the birth certificate is the date of birth, which you<sup>say</sup>/should be June 19, 1940, instead of June 19, 1939, and your wife's name should be spelled V I R G I N I A-- the other information is correct?

A. Yes.

MR. CHASON: We would like to introduce this birth certificate as Petitioner's Exhibit 1.

MRS. VIDA VIRGINIA HUBBARD, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Chason.

Q. You are Vida Virginia Hubbard?

A. Yes sir.

Q. Mrs. Hubbard, you are the mother of Tillman Hampton Hubbard?

A. Yes.

Q. What is the correct date of his birth?

A. June 19, 1940.

Q. I believe you have seen this certified copy of a delayed birth certificate which your husband signed?

A. I have.

Q. Is the date on there as June 19, 1939 incorrect?

A. It is.

Q. It is your statement that the correct date of Tillman Hampton Hubbard's birth is June 19, 1940, and that is the information which should have been shown on this certificate?

A. That is right.

Q. The correct spelling of your name is V I D A V I R G I N I A H U B B A R D?

A. Yes sir.

ON CROSS EXAMINATION ON THIS WITNESS BY Mr. Roberts

Q. Mrs. Hubbard, I would like to ask you when you first discovered that the date of birth on this certificate - certified copy of certificate - was incorrect - you have had this certificate some 11 years?

A. It has been about a year and a half ago.

Q. What caused you to discover that?

A. I don't know whether Hampton got ready to take his driver's license or whether he was just looking at it - I don't remember which, but he is the one that discovered it.

Q. Was that a home delivery?

A. It was.

Q. Mrs. Hubbard, when you approached Doctor Jordan about this, you told him, did you not, that you had found that your son's

birth was not on record?

A. I did.

Q. You had some contact with us and we stated that we didn't have a record?

A. I think I had the papers from the Bureau of Vital Statistics I went there and he filled it out.

Q. What caused you in 1946 to have some contact with our office? Ordinarily we don't write a parent without some action being initiated?

A. When he started to school they said he should have a birth certificate.

Q. What year was that?

A. 1946.

Q. He started to school in 1946?

A. Yes sir.

Q. They told him at that time that he needed a birth certificate?

A. Yes sir.

Q. Then you made a request of our office for a birth certificate?

A. Yes sir. First I went to see Doctor Jordan to find out why he had not sent one.

Q. You went to the Doctor first after the school people told you that he needed a birth certificate?

A. Yes, and he said it was not a mistake of his; that I should have gotten it.

Q. What did you do then?

A. I got this paper and he filled it out.

Q. At what point did you contact us?

A. I don't remember.

Q. Apparently we were contacted; otherwise this delayed birth certificate form would not have been mailed out, and you say you did receive this form from us -- This birth certificate form?

A. Yes.

Q. Then after you received it, you went to Doctor Jordan?

A. Yes

Q. Did he have an office record that he referred to or how did he come to make this affidavit on the birth certificate to the effect that all of the statements made above as to the time and place of birth are true and correct?

A. I just don't know.

ON RE-DIRECT EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Chason.

Q. Mrs. Hubbard, has your son Tillman, been registered in any Sunday school in his later years?

A. Yes. They looked the record up and they have no dates when he started Sunday School

Q. Did he start fairly early - fairly young?

A. Yes he did.

Q. Did you examine or get from your Church a statement showing the age as it appears on their record?

A. Yes.

Q. Is this the record that was given you?

A. Yes.

Q. Does this indicate that his date of birth was given on his entry to Sunday School as June 19, 1940?

A. That is right.

MR. CHASON: I introduce this as Petitioner's Exhibit no. 2.

Q. Did you go to the Summerdale School for information on their records?

A. Yes sir.

Q. Did their records indicate your son's age at the time of entrance in school --Was his birth date given?

A. It was.

Q. Is this a statement given to you by Mr. Roy Holmes, Principal of the Summerdale School?

A. It is.

Q. This shows your son's birthday on the school record as June 19, 1940?

A. That is right.

MR. CHASON: We introduce this as Petitioner's Exhibit 3.

MR. PAUL CLEVEDRON, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Chason.

Q. Is this Mr. Paul Clevedron?

A. Yes sir.

Q. You are a resident of Summerdale?

A. Yes sir.

Q. You are acquainted with Mr. and Mrs. Robert Hubbard?

A. Yes sir.

Q. You are acquainted with their son, Tillman Hampton Hubbard?

A. Yes sir.

Q. Is there any reason why you should remember or know the approximate date of his birth?

A. Yes, because my son, Billy, was born April 3, 1940, and Hamp was born a month or two later.

Q. You do clearly remember that he was born just a month or so later after your son?

A. Yes I do.

MR. DAN GRAHAM, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Chason.

Q. You are Dan Graham?

A. Yes sir.

Q. You are a resident of Summerdale, Alabama?

A. Yes sir.

Q. You are acquainted with Mr. and Mrs. Robert Hubbard?

A. Yes sir.

Q. You are acquainted with their son, Tillman Hampton Hubbard?

A. Yes sir.

Q. Do you remember the approximate date of his birth?

A. No. He is just a little older than my boy.

Q. When was your boy born?

A. October, 1940.

Q. He was born just a few months before your son?

A. Yes, just a short time. The reason I remember is when they started to school

Q. They started to school together?

A. No sir, my boy was born a few days too late to get in that year.

Q. They are in the same grade?

A. No, sir, my boy was born a few days too late to start to school the year Hamp did and he is one grade behind.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 6 both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in the above styled cause in open Court, on this day.

This 9th day of October, 1957.

Louise D. Scarborough  
Official Court Reporter

SUMMERDALE BAPTIST CHURCH SURVEY  
FAMILY RECORD

FAMILY NAME *Hubbard* DATE *Mar-25-1957*  
 HOME LOCATED *Highway* TELEPHONE \_\_\_\_\_  
 CORRECT MAILING ADDRESS *Summerville*

Given Name	Rela	Birth	Christian?	Member what church	Attends
<i>Robert</i>	<i>H</i>	<i>Oct 13<sup>th</sup> 1910</i>	<i>Baptist</i>		<i>no</i>
<i>Viola</i>	<i>W</i>	<i>April 8<sup>th</sup> 1916</i>	<i>Lutheran</i>		<i>Baptist</i>
<i>Robert Mitchell</i>	<i>S</i>	<i>Dec 30-1953</i>			
<i>Hampton S.</i>		<i>June 19-1940</i>	<i>Baptist</i>		

\* Rela; is used as follows: H for husband; W for wife; S for son, etc.

Transportation?(needed)

Own or rent home? *own*

Attitude toward our Church. *good*

Extension Department prospects.

Special needs.

Remarks:

*Belthouses Enslaked 2*

Visit made by: *Ina Blackmon and Mrs Phronia Underwood*

# SUMMERDALE SCHOOL

October 8, 1957

Mr. Kenneth Cooper  
Bay Minette, Alabama

Dear Mr. Cooper:

According to our permanent school records, Tillman Hampton Hubbard, son of Robert Leon Hubbard and Vida Norden Hubbard, was born June 19, 1940.

Yours truly,

*Roy O. Holmes*

Roy O. Holmes, Prin.

*Petersons Exp Subject 2.*



CECIL G. CHASON

ATTORNEY-AT-LAW  
FOLEY, ALABAMA

November 13, 1957

Hon. H. M. Hall  
Judge of the Circuit Court  
Bay Minette, Alabama

Re: Ex Parte, Tillman Hampton  
Hubbard, a minor, by Robert  
L. Hubbard, his father and  
next friend

Dear Judge Hall:

Enclosed herewith is a re-draft of the Final Decree relative to the above captioned cause. I hope that it meets with your approval.

Yours very truly,

  
C. G. Chason

CGC:fm

encls. 4

ALABAMA STATE DEPARTMENT OF HEALTH—Bureau of Vital Statistics  
SPECIAL CERTIFICATE OF BIRTH

State File No. **65441**

1. Full name of child <b>TILLMAN HAMPTON HUBBARD</b>		2. Date of birth Month <b>JUNE</b> Day <b>19</b> Year <b>39</b>	
3. County of birth <b>BALDWIN</b> STATE OF ALABAMA		4. Place of birth <b>SUMMERDALE</b> (Name of town, city, or rural)	
5. Male or female <b>MALE</b>	6. Twin, Triplet or other?	7. Number in order of birth	8. Other children born to mother of this child: (a) Total number of older brothers and sisters . . . <b>2</b> (b) Number of older brothers and sisters living when this child was born . . . <b>2</b>
THE FATHER		THE MOTHER	
9. Full name <b>ROBERT LEON HUBBARD</b>		15. Full name before marriage <b>VIOLA VIRGINIA HORDEN</b>	
10. Address at time of this birth <b>SUMMERDALE</b>		16. Address at time of this birth <b>SUMMERDALE</b>	
11. Color <b>WHITE</b>		17. Color <b>WHITE</b>	18. Age at time of this birth <b>23</b> years
12. Age at time of this birth <b>28</b> years		19. Where born? <b>SILVER HILL ALABAMA</b>	
20. Occupation at time of this birth <b>FARMER</b>		21. Occupation at time of this birth <b>HOUSE WIFE</b>	
22. Where born? <b>MILWAUKEE FLORIDA</b>		23. Occupation at time of this birth	

THE FOLLOWING AFFIDAVITS MUST BE SIGNED BEFORE A NOTARY PUBLIC

I hereby declare upon oath that the above statements are true and correct.  
(Signed) **Robert Leon Hubbard** Religion to child **Father**  
Sworn to and subscribed before me this **3rd** day of **Oct** 19 **49**  
My commission expires **3-25** 19 **49**  
Notary Public  
For state of **Ala** County of **Baldwin**

I hereby declare upon oath that the above statements are true and correct, because  
(Signed) **J. W. Jordan**  
Sworn to and subscribed before me this **3rd** day of **Oct** 19 **49**  
My commission expires **3-25** 19 **49**  
Notary Public  
For state of **Ala** County of **Baldwin**

Name and address of person sending in this certificate:  
**Robert Leon Hubbard** Summerdale, Ala.

This certificate was reviewed and filed on the **9** day of **October** 19 **49**  
By **W. W. Roberts** State Registrar, Vital Statistics  
**Minnie B. Dobbins** Authorized Clerk in Bureau

CERTIFIED COPY OF RECORD  
THE ABOVE IS AN EXACT COPY OF THE ORIGINAL RECORD FILED IN THE BUREAU OF VITAL STATISTICS, ALABAMA DEPARTMENT OF HEALTH.  
ISSUED ON **May 9, 1957** AT MONTGOMERY, ALABAMA

*W. W. Roberts*  
State Registrar

*Olivia Hubbard*

*W. W. Roberts*  
*Exp 1*