

28 October 1957

Lonalee H. Tasker  
Assistant District Attorney  
Courthouse and Jail Building  
Houston 2, Texas.

Re: WADE, James W.

Dear Miss Tasker:

Reference your letter of October 23, 1957, concerning above named individual.

I have this date talked with Mrs Wade reference the points raised in your letter, and she informs me that Mrs Crystal Wade has proposed to buy her interest in the house in question, and that she has agreed to sell her the premises, or at least sell her interest in the property, for the amount of \$500.00. However, Mrs Wade says that she will not agree to such a sale until the money is received from Mrs Wade - that she will not sell it unless the money is first received. According to her, Mr Wade, although he agreed to do otherwise when the divorce was granted, refused to sign the deed giving her the property, and naturally she does not want to continue to pay for the property if her former husband is to hold the same interest in the property as she, and she would be paying for it.

Please permit me to say that I have not discussed with Mrs Wade anything relative to the common-law marriage which, according to your information, might throw some different light on this case in your state. As I understand the law in Reciprocal Non-Support cases, it makes no difference whether the marriage is performed by the judge, or by the common-law method, the question to be decided is whether there was ever a valid marriage to give rise to a legal duty of support by the father towards the children born in the wedlock. In this case Mr Wade admittedly was married to her, and divorced in October, 1956. Certainly this gave rise to a duty of support on his part to the children, as was set forth in the divorce to be \$75.00 per month. Even if there was subsequently a common-law marriage, whether it was recognized or not by the Texas courts, he would still owe the duty of non-support under the divorce decree.

Your very truly,  
*K. C.*  
Kenneth Cooper  
Circuit Solicitor

7 November 1957

Miss Lonalee H. Tasker  
Assistant District Attorney  
Courthouse and Jail Building  
Houston 2, Texas

Re: WADE, James W.

Dear Miss Tasker:

Reference your letter of October 23, 1957, to Miss Duck, Clerk of this Court, relative to above named individual. Your letter was turned over to this office for action.

Mrs Wade has been contacted relative to the information contained in your letter. She has written this office about it, and I inclose, for your use in the handling of this case, her letter to me for whatever use you may make of it in the hearing which I believe comes up on November 19th, next. From her letter you can see the reason why she did not sell the house last fall. And she is naturally reluctant about signing any papers for Mrs Crystal Wade to buy it unless the money is received prior to her signing the deed. I'm sure that if Mrs Crystal Wade would send her the money Mrs James W. Wade would be happy to sign the papers. Maybe the right word from you to Mrs Crystal Wade would get the matter settled. Of course I only have one side of the story; but knowing Mrs Wade's family for truthfulness and honesty, I believe the information in her letter to me is correct.

Trusting that this information will aid the Court there in determining Mr Wade's responsibilities to his children, I remain

Sincerely yours,

*KC*  
Kenneth Cooper  
Circuit Solicitor

26 October 1957

Mrs Floye Mae Wade  
Rt # 1  
Robertsdale, Alabama

Dear Mrs Wade:

Information was received today from the court in Houston relative to the Reciprocal Non-Support action pending against Mr Wade. The case was continued until November 19th, apparently pending the outcome of the property settlement which we discussed when you were last in this office.

I feel that it would be advisable for you to meet me in my office at the earliest possible date so that we may decide on the next move to take. If you can, it would be best that you see me prior to next Saturday, as it will be necessary for me to further correspond with the Court in Houston before the next hearing.

Sincerely,

Kenneth Cooper  
Circuit Solicitor



OFFICE OF THE  
**DISTRICT ATTORNEY**  
COURTHOUSE AND JAIL BUILDING  
HOUSTON 2, TEXAS

October 23, 1957

Miss Alice J. Duck  
Clerk of the Court  
Box 239  
Bay Minetta, Alabama

Re: James W. Wade

Dear Miss Duck:

The above case was set for a hearing under the Uniform Reciprocal Enforcement of Support Act in the Court of Domestic Relations on September 14, 1957.

The defendant testified in court that a divorce was granted in the 129th Judicial District Court of Harris County on October 29, 1956.

At the time of the divorce Mrs. Wade indicated to the court that she intended to remain in Harris County and the house and furniture were awarded to Mrs. Wade by the court and Mr. Wade was ordered to pay \$75.00 per month for the support of his children. Mr. Wade stated to the court that he had not been supporting his children on a regular basis but that he had been keeping up the payments on the house for his wife so that she would not lose it.

Several weeks after the divorce was granted Mrs. Wade and her husband, James W. Wade, commenced living together as man and wife in the home. Just before Christmas last year Mr. and Mrs. Wade went to Alabama on a visit and also for the purpose of bringing James Lloyd, their eldest child, back to Houston as he had been staying with the maternal grandparents.

Mr. and Mrs. Wade returned to Houston on December 24, 1956 and continued to live together until May, 1957 at which time Mrs. Wade left her husband and went to her parent's home in Alabama.

Since Texas recognizes the common-law marriage, the marital status of the complainant and the defendant in this case is confused.

Mr. Wade testified that he had continued to make the payments on the house as he did not want to lose the investment that he and Mrs. Wade had in the house.

Mr. Wade rented the house for about three months and the tenant got into some trouble and was sent to jail and Mr. Wade never collected any rent on the house. The tenants vacated the house on October 11, 1957 and Mr. Wade rented the house to some new tenants on October 12, 1957 for \$75.00 per month. (The notes on the property are \$60.00 per month.)

Mr. and Mrs. Wade have recently been corresponding with each other in regard to the property. Mrs. Wade has indicated to Mr. Wade's mother that she is willing to deed her interest in the house to Mr. Wade's mother and allow Mrs. Crystal S. Wade to take up the notes on the property.

The Court was concerned with the present marital status of Mr. and Mrs. Wade and also with their plans for the disposition of their property as the previous order in Harris County awarded the home to Mrs. Wade (although Mr. Wade has never actually deeded his interest in the property to Mrs. Wade.)

It appears to us that this complainant and defendant should settle the problem of the property between themselves prior to the time that an order is entered requiring the defendant to support. If the defendant is going to continue to be responsible for the payments on the home, he can not contribute as much for the support of his children as he can if the property is disposed of.

Mr. Wade received an injury to his hand about six weeks ago when a rack from a telephone pole fell across his hand and broke a bone. He was treated at the Veterans Hospital and has not worked since that time. He was preparing to return to

page 3

work on September 29, 1957 but was in an automobile accident on September 28, 1957 and received further injuries to his shoulder, leg and left arm.

He had 35 stitches taken in his left arm. He is still under the doctor's care for his recent injuries but he stated to the court that he thought he would be able to return to work in a week or two.

The court re-set this case for November 19, 1957 to allow the complainant and defendant enough time to resolve the issue pertaining to the home and also to allow the defendant enough time to recover from his injuries and to return to his job.

I recommend that you discuss the matter of the common-law marriage with Mrs. Wade and also the matter of the home and inform us of her attitude in regard to these issues so that we will have the information available when the case is heard on November 19, 1957.

Very truly yours,



LONALEE H. TASKER,  
Assistant District Attorney

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H  
T:gc

Office Of The  
DISTRICT ATTORNEY  
Harris County Court House  
Houston, 2, Texas

September 4, 1957

Re:

JAMES W. WADE

Dear Mrs. Duck:

The above case has been set for a hearing in the  
COURT OF DOMESTIC RELATIONS  
~~XX~~ on the 24th day  
of September, 19 57.

LONALEE H. TASKER,  
Assistant District Attorney

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T:gc

FLOY MAE WADE  
COMPLAINANT  
VS  
JAMES W. WADE  
RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
INNEQUITY CASE NO. 1115

DECREE

It appearing to the Court that there has been an order in the above styled cause, and it further appearing to the Court that said cause is no longer active, and it further appearing to the Court that the costs were taxed in said cause against the Defendant and returned "No Property Found" by the Sheriff of this County, and upon consideration, it is ORDERED, ADJUDGED and DECREED by the Court that said cause be and hereby is transferred to the inactive docket of this Court, and it is further ORDERED that the costs incurred in this cause be taxed against the State of Alabama pursuant to Section 119(b), Title 34, 1955 Cumulative Pocket Parts, Code of Alabama.

6/14/57

This 7<sup>th</sup> day of May 1957

Robert M. Wade  
Judge Circuit Court, In Equity.

FILED  
ALICE I. DUCK, CLERK  
REGISTER





OFFICE OF THE  
**DISTRICT ATTORNEY**  
COURTHOUSE AND JAIL BUILDING  
HOUSTON 2, TEXAS

September 30, 1957

Mrs. Alice J. Duck  
Clerk  
Box 239  
Bay Minetta, Alabama

Re: James W. Wade

Dear Mrs. Duck:

The above case was set for a hearing in the Court of Domestic Relations for hearing September 24, 1957, but the citation was returned to the Court unexecuted.

We checked with the Sheriff's Office in regard to the service of citation and the deputy sheriff informed us that he had received information that the defendant was unknown at that address.

We asked our investigator to call at that address later and he reported that he talked to a girl about eighteen years of age at that address and asked her if she knew James W. Wade. At first she stated that she didnot know him.

Mr. Wright, our investigator, asked her if she had a brother and she stated that her brother's name is "Billy". Mr. Wright then asked her if "Billy's" first name was "James". She replied that it was. Mr. Wright was not able to determine whether she is extremely ignorant, or whether she was being evasive.

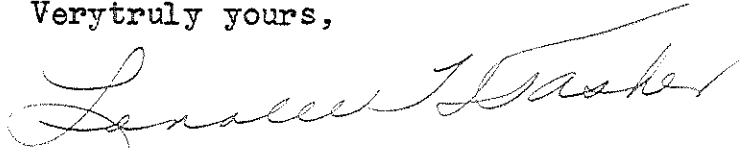
We checked with the court and asked them to re-set the case and we are again attempting to obtain service of citation upon this defendant and if the complainant is able to furnish a picture of the defendant or any information which will be helpful in identifying this man, we recommend

page 2

that you send it to this office immediately.

Thank you for your cooperation.

Very truly yours,



LONALEE H. TASKER, Assistant

L  
H  
T:gc



R. J. LINDLEY  
DISTRICT CLERK  
HOUSTON 2, TEXAS



July 31, 1957

Mrs. Alice J. Duck  
Clerk of Court  
Box 239  
Bay Minette, Alabama

Re: #490,666  
Floye Mae Wade vs.  
James W. Wade

Dear Mrs. Duck:

I am enclosing receipt #123968 for the sum of \$15.00 covering cost deposit in the above cause which was filed this date in the Court of Domestic Relations.

Said case has been referred to Mrs. Lonalee Tasker, Assistant District Attorney, for prosecution; therefore, all future correspondence should be directed to her.

Yours very truly,

A handwritten signature in cursive script, appearing to read "R. J. Lindley", written over a horizontal line.

R. J. LINDLEY,  
DISTRICT CLERK

RJL/tu

encl.

cc: Mrs. Lonalee Tasker

21 January 1958

Mr. R. J. Lindley  
District Clerk  
Harris County  
Houston, Texas

Re: WADE, Floye Mae vs.  
WADE, James W.  
Our No. 4145  
Your No. 490,666

Dear Sir:

Reference above styled cause.


On 23 October, 1957, I talked by telephone to Miss Tasker, Assistant District Attorney concerning this case and was advised that the original hearing which had been set for 24 September had been continued. She indicated the hearing would probably take place near the end of October.

Sometime ago, I believe early in December, Mrs Wade advised me she had received \$75.00 from Mr Wade as a result of the court's action in this matter. However, a search of the records here fails to reveal that this court had ever received a copy of your court's decree in this case. And Mrs Wade has advised during the last week that no further payments have been received from Mr Wade.

It is requested (1) that you furnish this office, as soon as possible, a copy of your court's decree in this case if such a decree has been issued. And (2) if it has been issued, advise your court that Mr Wade has made only the one payment above cited. In the event no decree has been issued (3) advise when your court is expected to act in this matter.

Your cooperation in this matter will be greatly appreciated.

Very truly yours,

  
Kenneth Cooper  
Circuit Solicitor

District Attorney's Office  
Harris County Courthouse  
Preston and San Jacinto  
Houston, Texas

UNDER THE UNIFORM RECIPROCAL  
ENFORCEMENT OF SUPPORT ACT

FLOYE MAE WADE

Complainant

vs.

JAMES W. WADE

Defendant

No. 498,666

~~IN THE CIVIL DISTRICT COURT~~  
HARRIS COUNTY, TEXAS

~~COURT OF DOMESTIC RELATIONS~~

JUDICIAL

ORDER

On this 19th day of November, 1957, the same being at a regular term of this Court, in the above entitled and numbered cause, came on to be heard the petition of plaintiff, Floye Mae Wade, being an action filed under the Uniform Reciprocal Enforcement of Support Act in the State of Alabama, and filed herein, praying for this Court to enter an order requiring the defendant, James W. Wade, to provide for the support and maintenance of his child ren. James Lloyd, Marilyn Joyce and William Tony:

And it appearing to the Court that the defendant James W. Wade, has been notified of the filing of said petition in the manner and for the length of time required by law thereupon came the petitioner, Floye Mae Wade, appearing by and through the State's attorney, and the defendant in person and by his attorney, and announced ready for a hearing upon said petition and the Court having been sufficiently advised and having heard the evidence in favor of and against the said petition, is of the opinion that the petition should be granted, and that the sum of \$ 75.00 per month is a reasonable sum for the support and maintenance of the defendant's children as above set out.

It is therefore ORDERED, ADJUDGED and DECREED by the Court, that the defendant, be, and he is hereby ordered to pay the sum of \$ 75.00 per month for the support and maintenance of his children beginning, December 1, 1957 to the Harris County Probation Office, Civil Courts Building, Houston, Texas.

S/S J.W. Mills  
JUDGE

Attorney for Defendant

Frank D. Fisher  
Assistant District Attorney

R. J. LINDLEY

DISTRICT CLERK, HARRIS COUNTY

Houston, Texas

7-31

195

7 o'clock Mrs. Alice J. Duck

RECEIPT NO. 123968

Received From

St.

W. H. Ellinger, Clerk of Ct., Box 239, Bay  
Shiloh, Minnetta, Ala.

\$ 15<sup>00</sup>

Dollars

Style

Wade

No.

490666

Court

CRK

DEPOSIT  
COSTS  
C/C  
JURY  
TRUST FUND

✓ dc

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R. J. LINDLEY, DISTRICT CLERK

By

A. M. [Signature]

Deputy

Robertsdale Ala.  
July 15, 1958

Circuit Solicitor  
Bay Minette, Ala.

Dear Mr. Cooper,

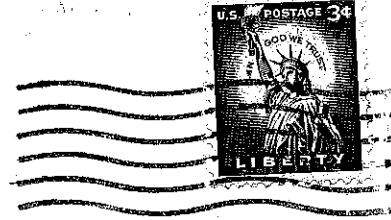
Sorry to trouble you, but would  
you make another effort to get  
child support from James W. Wade  
of Houston, Texas.

Also could you ~~please~~ please  
get me a copy of my divorce  
decree or tell me how I can  
get one. I will need it in the  
future to be able to get something  
out of the property in Houston.

Thanking you so much for helping  
~~me~~ me -

Flaye M. Wade

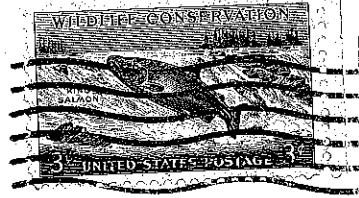
Mr. Wade  
P. Box 99  
Taddei Ala



Mr. Kenneth Cooper  
Circuit Solicitor  
Bay Minette, Ala.



r. Wade  
99 Rt. I.  
Intedale Ala.



Mr. Kenneth Cooper  
Circuit Solicitor  
Bay Minette, Ala.