

3409

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Ernestine Yelding 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 Leon Yelding, as Complainant, against Ernestine Yelding, as Respondent.

Witness my hand this 23<sup>rd</sup> day of November, 1954.

Alice J. Spack  
Register.

LEON YELDING,

Complainant,

vs.

ERNESTINE YELDING,

Respondent.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes your Complainant, Leon Yelding, and files this his Bill of Complaint for divorce and for other relief against Ernestine Yelding and shows unto this Court and unto your Honor as follows:

FIRST:

That your Complainant and the Respondent are both over the age of twenty-one years and are both resident citizens of Baldwin County, Alabama, residing near Loxley, Alabama, and they have both been such resident citizens all their lives.

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit, January 15, 1949, and they lived together as man and wife until May 1, 1953, when the Respondent voluntarily abandoned the bed and board of your Complainant and she has failed and refused to live with your Complainant as his wife since that time. That such abandonment was without just cause or legal excuse.

THIRD:

That there were born to your Complainant and the Respondent five children, namely, Leon Yelding, Jr., who is a boy five years of age; Lillie Mae Yelding, who is a girl four years of age; Sadie Yelding, who is a girl three years of age; Randolph Yelding, who is a boy two years of age; and Jerry Yelding, who is a boy about one year of age. That when the above named Leon Yelding, Jr., was born your Complainant and the Respondent were living in the home of your Complainant's parents, Dorsey Yelding and Cherry Yelding; that the above named Dorsey Yelding bought the baby bed for Leon Yelding, Jr. and it was placed in his home; that about three months later Dorsey Yelding built a house for your Complainant some 200 feet from his home and your Complainant and the Respondent moved to their new home but left their baby, Leon Yelding, Jr., with Dorsey Yelding and Cherry Yelding. During the next three months the Respondent would occasionally take the baby over to spend the night with the Respondent and your Complainant but this did not happen on very many occasions. When this baby was about six months of age the Respondent was pregnant again and she quit taking Leon Yelding, Jr. to her home but left him entirely under the care, custody and control of Dorsey Yelding and Cherry Yelding. That such grandparents purchased all of the clothes and furnished all of the food for that child and they sent him to nursery school in Daphne and kept him and reared him as their own child until the Respondent forcefully took such child as hereinafter set out. That the Respondent carried the four younger children away with her when she voluntarily abandoned your Complainant on May 1, 1953, but she did not attempt to take Leon Yelding, Jr., at that time. Your Complainant has supported the children that she carried away since they left. About one month ago your Complainant went to where the Respondent was living to carry her money for the support of his four minor children who were in her custody and control and Leon Yelding, Jr., went with him. That the Respondent forcefully took such child from the Complainant and has refused to allow your Complainant or his parents above named to have the custody of such child since that time. That on November 20, 1954, your Complainant attempted to carry Leon Yelding, Jr., to Loxley to buy him some shoes and the Respondent refused to allow him to purchase the shoes for

such minor. That it is to the best interest of Leon Yelding, Jr., that he be returned to the care, custody and control of Dorsey Yelding and Cherry Yelding who have reared him.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Ernestine Yelding be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring her to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; That a temporary order be issued by this Court directed to any lawful officer of the State of Alabama requiring such officer to take immediate possession of Leon Yelding, Jr., and to return him to the custody of Dorsey Yelding and Cherry Yelding until such time as the Court may render a final decree in this case; that upon a final hearing of this cause that your Honor will award the permanent care, custody and control of said minor to Dorsey Yelding and Cherry Yelding and to your Complainant and will award the care, custody and control of the other children to the Respondent and will fix a reasonable amount to be paid by your Complainant to the Respondent for support and maintenance of the children above named other than Leon Yelding, Jr. That your Honor will also award your Complainant an absolute divorce from said Respondent; that your Honor will also decree that the Complainant be allowed to remarry if he sees fit. Should your Complainant be mistaken in the relief prayed for, that there be granted to him such other, further and different relief to which he may be entitled and as in duty bound he will ever pray.

Leon Yelding  
Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, John Chason, a Notary Public, in and for said State and County, personally appeared Leon Yelding who is known to me and who, after being by me first duly and legally sworn, doth de-

pose and say under oath as follows:

That his name is Leon Yelding; that he is over the age of twenty-one years; that he signed the foregoing Bill of Complaint and that all of its allegations are true and correct.

Dated this 23rd day of November, 1954.

Leon Yelding

Sworn to and subscribed before  
me, this 23<sup>rd</sup> day of November,  
1954.

[Signature]  
Notary Public, Baldwin County, Ala.

LEON YELDING,

Complainant,

vs.

ERNESTINE YELDING,

Respondent.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

It appearing to the Court from the sworn Petition of the Complainant in the above styled cause that the Respondent turned over the minor child of said parties named Leon Yelding, Jr., to Dorsey Yelding and Cherry Yelding almost from the birth of said child and that it was allowed to remain with them and full custody over such child was exercised by Dorsey Yelding and Cherry Yelding until such child was forcefully taken by the Respondent approximately one month ago; and it further appearing to the Court that the Respondent will not allow the Complainant to see such child and will not allow him to buy the necessary clothing for such child and that it is to the best interest of such child that he be returned to the home where he was reared until further order of this Court.

You are therefore ordered to take possession and control of the said Leon Yelding, Jr., immediately and to turn him over to Dorsey Yelding and Cherry Yelding awaiting further order of this Court. You are further ordered to serve a copy of this decree upon the said Respondent.

Done at Bay Minette, Alabama, this 23rd day of November, 1954.

Hubert M. Hall  
Judge.

ceived 23 day of Nov 1954  
d on 26 day of Nov 1954  
erved a copy of the within

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service on Ernestine Yelding

TAYLOR WILKINS, Sheriff  
By L. L. Stoddard D. S.

ORDER

LEON YELDING,  
Complainant,  
vs.  
ERNESTINE YELDING,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Filed this 23<sup>rd</sup> day of November,  
1954.

Alice J. Duck  
Register.