

3428

The State of Alabama, Baldwin County. } Circuit Court of Baldwin County, Alabama (In Equity)

ESTHER F. MITCHELL, WILSON, individual and Esther F. Mitchell, a minor suing by her father and Complainant

VS. CURTIS E. WILSON Respondent

I, Lois Howard as Register and Commissioner

have called and caused to come before me Esther F. Mitchell and Wiley Mitchell

witness named in the Requirement for Oral Examination, on the 22 day of December

1921, at the office of J. LeNoir Thomson

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

truth, the whole truth, and nothing but the truth, the said Esther F. Mitchell and Wiley

Mitchell doth depose and say as follows:

That my name is Esther F. Mitchell, that I am 16 years of age and a resident of Baldwin County, Alabama and the Respondent is about 25 years of age and a resident of Baldwin County Alabama. On October 16, 1921, I went with the Respondent to Lucedale, Mississippi where we went through a marriage ceremony, that following the ceremony the Respondent brought me back into the neighborhood where I lived and put me out refusing to live with me as husband and wife although he had induced me to marry him with the understanding that he would provide a home for me and live with me as my husband. We have not lived together as husband and wife nor have we co-habitated and I do not feel that we will ever live together as husband and wife. I did not have my parents consent and I do not know how he got the marriage licenses as I was only 16. I respectfully ask this court to annul this marriage since it has never been consummated and since I was misled by the Respondent in going through the ceremony. I positively state that I am not pregnant.

Esther F. Mitchell

That my name is Wiley Mitchell, that I am the father of Esther F. Mitchell, who is only 16 years of age. She is a resident of Baldwin County, Alabama and has been for years. The Respondent is about 25 years old and a resident of Baldwin County, Alabama. On October 16, 1921, he clipped Esther off from where she was carried her to where said marriage they went through a marriage ceremony in Lucedale. He then brought her back and put her out in our community and went off and left her. They have never lived together as husband and wife. As the father of Esther F. Mitchell I respectfully ask this court to annul this marriage.

Wiley Mitchell

**ORAL EXAMINATION**

I, Lois Howard, 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 Eden and Ray signed the same in the presence of myself and G. Leitch Thompson

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 22 day of December, 1911

Lois Howard (L. S.)

No. 3428

Page

The State of Alabama  
Baldwin County.

In Circuit Court, In Equity

vs. Complainant

Respondent

**Oral Deposition**

Filed           , 19          

Register

Recorded in

Record

Vol.           

Page           

Register

ESTHER F. MITCHELL WILSON, individual  
 and ESTHER F. MITCHELL, a minor child  
 by her father and next friend,  
 WILEY MITCHELL  
 vs.  
 CURTIS E. WILSON

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, \_\_\_\_\_  
 Testimony of Esther F. Mitchell and Wiley Mitchell.

and in behalf of Defendant upon Answer and Answer \_\_\_\_\_

*Wiley Mitchell*

*Wiley Mitchell*  
 Register.

No. 3428

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

ESTHER F. MITCHELL, single,  
and ESTHER J. MITCHELL, a minor suing  
by her father and next friend,  
WILEY MITCHELL,

vs.

CURTIS E. WILSON

**NOTE OF TESTIMONY**

Filed in Open Court this .....  
day of ....., 194.....

**FILED**  
**DEC 22 1954**

**ALICE Y. DICK** Register.  
The Baldwin Times

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: Lois Howard

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 Esther F. Mitchell and Wiley Mitchell

as witnesses in behalf of Esther F. Mitchell in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Esther F. Mitchell Wilson

Complainant

and Wiley Mitchell

Respondent

on oath, to be by you administered, upon Esther F. Mitchell Wilson and Wiley Mitchell

to take and certify the depositions of the witness<sup>es</sup> and return the same to our Court, with all convenient speed, under your hand.

Witness 22 day of Dec, 1944

Archie J. French  
Register.

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

No. 3428

**THE STATE OF ALABAMA  
Baldwin County**

**CIRCUIT COURT**

ESTHER F. FITCHELL, WILSON, individual  
and ESTHER F. FITCHELL, a minor suing  
by her father and next friend,

WILBY FITCHELL,  
Complainant

vs.

JOHN B. WILSON  
Defendant

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER:

LOUIS HOWARD

WITNESSES:

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

ESTHER F. MITCHELL WILSON, individual  
and ESTHER F. MITCHELL, a minor suing  
by her father and next friend,  
WILEY MITCHELL

COMPLAINANT

VS

CURTIS E. WILSON

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

This cause coming on to be heard upon the Bill of Complaint, answer and Waiver of Respondent and the Testimony as noted by the Register of the Court being satisfied therefrom that the averments of the Bill of Complaint are true and that the Complainant is entitled to the relief therein prayed.

IT IS THEREFORE ORDERED, CONSIDERED, ADJUDGED AND DECREED BY THE COURT that the purported marriage between Esther F. Mitchell and Curtis E. Wilson on the 16th day of October, 1954, at Lucedale, Mississippi, be and the same is hereby annulled and declared for naught and that the said Esther F. Mitchell and Curtis E. Wilson be and they are hereby judicially ascertained to be not legally married to each other.

~~IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT,~~  
that the Complainant pay the costs in this cause incurred, for which let execution issue.

Dated at Bay Minette, Alabama, this 30 day of December, 1954.

*Hubert M. Z. Hall*

CIRCUIT JUDGE.

ESTHER F. MITCHELL, WILSON, individual  
and ESTHER F. MITCHELL, a minor being  
by her father and next friend,  
WILEY MITCHELL

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

COMPLAINANT

VS

CURTIS E. WILSON

RESPONDENT

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

The Respondent admits the allegations as to ages and marriage  
and residence, 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 Complaint; the right to cross-examine Complainant's witnesses;  
and agrees that this cause be submitted for final decree without notice.

Curtis E. Wilson

STATE OF ALABAMA  
BALDWIN COUNTY

C. J. Thompson

I, C. J. Thompson, a Notary Public, in and for  
Baldwin County, in said State, hereby certify that Curtis E. Wilson, whose  
name is assigned to the foregoing conveyance, and who is known to me,  
truly avowed before me on this day that, being informed of the contents  
of the conveyance, he executed the same voluntarily on the day the same  
were made.



Done under my hand and seal on this the 21 day of December, 1954.

FILED

12-22-54

ELISE J. DUCK, Register

C. J. Thompson  
Notary Public.



ESTHER F. MITCHELL, WILSON, individual  
 and ESTHER F. MITCHELL, a minor suing  
 by her father and next friend,  
 WILEY MITCHELL

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA  
 IN EQUITY

COMPLAINANT

VS

CURTIS E. WILSON

RESPONDENT

TO THE HONORABLE HUBERT A. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN  
 COUNTY, IN EQUITY SITTING:

Comes your Complainant, Esther F. Mitchell, individual and Ester F.  
 Mitchell, a minor suing by her father and next friend Wiley Mitchell,  
 respectfully represents and shows unto your Honor and this Honorable  
 Court as follows:

1.

That the said Esther F. Mitchell is a minor of the age of to-wit sixteen  
 years having been born on to-wit, April 22, 1938, and that her father and  
 next friend Wiley Mitchell, who is over the age of 21 years and that both  
 are residents of Baldwin County, Alabama and the Respondent Curtis E. Wilson  
 is over the age of 21 and is a resident of Baldwin County, Alabama.

2.

That on to-wit, October 16, 1951 the said Esther F. Mitchell and Curtis  
 E. Wilson without the knowledge or consent of the parents of the said Esther  
 F. Mitchell secured a marriage license in Lucedale, Mississippi purporting to  
 unite the said Esther F. Mitchell and Curtis E. Wilson in marriage.

3.

That following the ceremony the said Curtis E. Wilson brought the said  
 Esther F. Mitchell back into the neighborhood of her residence in Baldwin County,  
 Alabama and abandoned her having refused to cohabit voluntarily  
 co-habitation. That said abandonment occurred immediately following the said  
 ceremony and that the parties to this cause have not co-habited since  
 the said marriage and further that the said Respondent has refused to carry  
 out the obligation of marriage and the parties to this cause have not lived  
 together as man and wife, nor in any way recognized each other as such. Your  
 petitioner further avers that she was induced to consent to said marriage  
 by fraud or misrepresentation in the following matters: That the said Respondent  
 led your petitioner to believe that he would provide for her a home following  
 the marriage and would maintain her therein as his wife and that they would  
 live as man and wife: Whereas the said Respondent carried your petitioner  
 as aforesaid to a point near her residence and abandoned her refusing to live

with her as her husband.

Your Complainant further prays that your Honor will upon a final hearing hereof annul the said marriage on the grounds that said Respondent failed and refused to carry out the marriage obligation and that such failure worked a fraud on the contract; and your petitioner prays that she be granted such other, further or different relief as she may in equity and good conscience be entitled to receive.

Esther F. Mitchell

Wiley Mitchell

W. F. Thompson  
Attorney for Complainant.

FILED

12-22-57

ALICE J. DUCK, Register

Note Hazelop - vs Hazelop

2 - 10 2d 443

3428

ESTHER F. MITCHELL, Individual  
and ESTHER F. MITCHELL, a minor  
suing by her father and next friend,  
WILEY MITCHELL

COMPLAINANT

VS

CURTIS E. WILSON

RESPONDENT

From the law offices of  
C. Leclair Thompson  
Attorney-At-Law  
Bay Minette, Alabama

FILED

DEC 22 1954

ALICE J. DUCK, Register

3428