3499

C. C. Equity, Certified Decree of Divorce—4M—12-53

# THE STATE OF ALABAMA, ~~MOBILE COUNTY~~ BALDWIN COUNTY

MARY L. WAINWRIGHT
Complainant,

No. vs.

FREEMAN WAINWRIGHT
Defendant

CIRCUIT COURT
IN EQUITY
AT ~~MOBILE, ALABAMA~~ BALDWIN COUNTY, ALABAMA.

## DECREE OF DIVORCE

This cause is submitted for decree on the pleadings, decree pro confesso and the testimony as shown by the note of submission on file, and on consideration, it is ordered, adjudged and decreed by the Court that the Complainant is entitled to relief, and that the bonds of matrimony heretofore existing between the Complainant and the Defendant be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that Complainant and Defendant be, and hereby are permitted to again contract marriage, subject to such provisions of the law as regulate the marriage of divorced persons, and in no event before the expiration of sixty days after the rendition of this decree.

It is further ordered that Defendant pay the cost of this suit, for which execution may issue

Dated, May 5th 1955

Hubert M Hall
Judge

I, ~~XXXXXXXXXXXXXXXX~~ Register of the Circuit Court of ~~Mobile~~ Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the DECREE rendered in the above case, as the same remains of record in my office.

DATED .....

.....
Register

CIRCUIT COURT OF ~~MOBILE~~ BALDWIN COUNTY

IN EQUITY

AT ~~MOBILE~~ BAY MINETTE, ALABAMA

No.

MARY L. WAINWRIGHT,

VS.

FREEMAN WAINWRIGHT.

CERTIFIED COPY OF

DECREE

FILED

MAY 6 1955

ALICE J. BUCK, Register

THE STATE OF ALABAMA - ~~MOBILE~~ BALDWIN COUNTY

| | | |
|---|---|---|
| MARY L. WAINWRIGHT<br>Complainant, | ) | IN EQUITY<br>IN THE CIRCUIT COURT OF |
| vs. | ) | ~~MOBILE~~ BALDWIN COUNTY, ALABAMA. |
| FREEMAN WAINWRIGHT<br>Defendant. | ) | |

ONE DAYS NOTICE OF THE TAKING OF THE FOLLOWING DEPOSITIONS WAS GIVEN D. R. COLEY, JR., AND CHRIS C. DE LANEY, SOLICITORS FOR COMPLAINANT.

The depositions of Mary L. Wainwright and Mrs. Gertrude Pope, witnesses examined on behalf of the Complainant in the above entitled cause which is pending in the Honorable the Circuit Court of ~~Mobile~~ Baldwin County, Alabama.

The said witnesses appeared before me at the time and place hereinafter named, and after having been first duly sworn by me to speak the truth, the whole truth, and nothing but the truth, did testify and say as follows. That is to say, Mary L. Wainwright and Mrs. Gertrude Pope, being duly sworn, testified as follows:

MARY L. WAINWRIGHT

My name is Mary L. Wainwright. I am the Complainant in this case. I am over the age of 21 years, and am a bona fide resident citizen of Baldwin County, Alabama, and have been for much more than one year immediately next preceding the filing of the bill of complaint in this case.

Freeman Wainwright, the Respondent in this case, is over the age of 21 years, and is a bona fide resident citizen of Baldwin County, Alabama.

Freeman Wainwright and I were lawfully married on June 13th, 1949, at Mobile, Alabama. We lived together after our marriage as husband and wife until the month of November, 1953. We had had trouble on two or three occasions and Freeman had threatened to kill me, and in the month of November, 1953, he left me without any just cause or excuse whatsoever.

He voluntarily abandoned my bed and board and the abandonment has been absolute, voluntary and continuous from November, 1953, to the present time.

I have seen him on a few occasions, and have talked with him, but we have never resumed marital relations or lived together in any manner since that time.

There were no children born of our marriage.

All I want from him is my divorce.

Mary L. Wainwright

MRS. GERTRUDE POPE



I am Mrs. Gertrude Pope. I live at Fairhope, Alabama, and have lived there about 13 years. I know Mary L.Wainwright and have known her for about ten years. She lives about two miles from my home. She is now and has been for over a year working in my home. She has worked almost daily and we have carried her back and forth home. She worked part of the year prior to that for us, so that I can say that I have seen her very frequently for more than two years. As a matter of fact, we run a grocery store and Mary has been buying groceries from us for three or four years.

I know Freeman Wainwright, her husband. I know that they were man and wife, but I also know that they have not lived together since the Fall of 1953. I knew that Mary and Freeman had trouble, but did not know the details of it, but I doknow that they did separate in the Fall of 1953, and I know that they have not lived together as man and wife since that time.

With Mary working in my home and with us going back and forth and carrying her home, I know that had they lived together we would have known it.

I don't know exactly where Freeman Wainwright lives at the present time, but I do know that he does not live with or have anything to do with Mary, and that he has not since the Fall of 1953.

Mrs. Gertrude Pope

CERTIFICATE

I, Henrietta Dudley, the Commissioner named in the attached commission which issued out of the Honorable the Circuit Court of ~~Mobile~~ Baldwin County, Alabama, do hereby certify that in a certain cause pending in the Circuit Court of ~~Mobile~~ Baldwin County, Alabama, wherein Mary L. Wainwright is Complainant, and Freeman Wainwright is Defendant, under and by virtue of the power conferred upon me by said commission I caused the said Mary L. Wainwright and Mrs. Gertrude Pope, who are known to me and who are known to me to be the identical witnesses named in said commission, to come before me at the time and place hereinafter named, one days notice having been given D.R. Coley, Jr., and Chris C. De Laney, Solicitors for Complainant;

that is to say, I caused the said Mary L. Wainwright and Mrs. Gertrude Pope to come before me at my office, ~~1010 Van Antwerp Building~~ 106 St. Joseph Street Mobile, Alabama, on the 21st day of April, 1955; that said witnesses were first duly sworn by me as stated; that their testimony was by me reduced to writing as given by them and as near as might be in the language of the said witnesses, and that after their testimony had been so reduced to writing, it was read over by the said witnesses, who assented to and signed the same in my presence.

I further certify that I am not of Counsel or of Kin to any of the parties to the cause and am not in anywise interested in the result thereof.

Witness my hand this the 21st day of April, 1955.

Henrietta Dudley
COMMISSIONER

COMMISSION TO TAKE DEPOSITIONS

B.T.-500-11-54

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Henrietta Dudley
Mobile, Alabama

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Mary L. Wainwright and Mrs. Gertrude Pope

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein MARY L. WAINWRIGHT, Complainant

and FREEMAN WAINWRIGHT Respondent

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

Witness 20th day of April, 1955

Register.

Commissioner's Fee, $ 5.00

Witness' Fees, $

No. 3499

# THE STATE OF ALABAMA
## Baldwin County

## CIRCUIT COURT

MARY L. WAINWRIGHT

Complainant

VS.

FREEMAN WAINWRIGHT

Defendant

## COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Henrietta Dudley

WITNESSES:

Mary L. Wainwright

Mrs. Gertrude Pope

LAW OFFICES OF
D. R. COLEY, JR.
302-6 FIRST FEDERAL SAVINGS BUILDING
106 ST. JOSEPH STREET
MOBILE, ALABAMA

CHRIS C. DE LANEY

April 21, 1955

Mrs. Alice Duck,
Clerk, Circuit Court,
Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck:

I am forwarding to you herewith the depositions of Mary L. Wainwright and Mrs. Gertrude Pope in connection with the case of Mary L. Wainwright vs. Freeman Wainwright, together with a Note of Submission.

I will appreciate it if you will file these for me, letting me have a bill for the court costs.

With kind regards, I am

Very truly yours,

D.R. Coley, Jr.

D.R. Coley, Jr.

C/D

LAW OFFICES OF
D. R. COLEY, JR.
302-6 FIRST FEDERAL SAVINGS BUILDING
106 ST. JOSEPH STREET
MOBILE, ALABAMA

CHRIS C. DE LANEY

April 18, 1955

Mrs. Alice Duck,
Clerk, Circuit Court,
Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck:

I am enclosing herewith Request for Commission in the case of Mary L. Wainwright vs. Freeman Wainwright, pending in your Court.

I will appreciate it if you will forward the Commission to me at your early convenience.

With kind regards, I am

Very truly yours,

D. R. Coley, Jr.

D. R. Coley, Jr.

C/D

C. C. Equity 39—2M—3-54

BOOK 017 PAGE 78

MARY L. WAINWRIGHT — Complainant

No. Vs.

FREEMAN WAINWRIGHT — Defendant

IN THE CIRCUIT COURT OF
~~MOBILE~~ BALDWIN COUNTY, ALABAMA
IN EQUITY

## ANSWER AND WAIVER

Comes the Defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegation of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by disposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause.

Freeman Wainwright
Defendant

Note: The space below is intended for "Agreements Between the Parties."

STATE OF ALABAMA

COUNTY OF BALDWIN

I, Frank Woul, a NOTARY PUBLIC in and for said State and County, do hereby certify that Freeman Wainwright whose name is signed to the foregoing instrument, and who is known to me, acknowledge before me this day, that being informed of the contents of the instrument, he executed the same voluntarily on the day same bears date.

Witness my hand and seal this 4 day of APRIL ~~March~~, 19 55.

Filed,

~~W. ELSWORTH HAUGHTON, REGISTER~~
ALICE J. DUCK, REGISTER

Frank Woul
NOTARY PUBLIC

STATE OF ALABAMA

COUNTY OF BALDWIN

No. 3499

Vs.

ANSWER AND WAIVER

Filed _____, 19____

FILED
APR 8 1955

ALICE J. DUCK, Register

Register

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Comes MARY L. WAINWRIGHT, and by this her bill of complaint against FREEMAN WAINWRIGHT, respectfully shows unto the Court:

FIRST: That both she and the Respondent are over the age of 21 years, and are and have been for more than one year immediately next preceding the filing of this bill of complaint, bona fide resident citizens of Baldwin County, Alabama.

SECOND: That she and the Respondent were lawfully married on, to-wit, June 13th, 1949, at Mobile, Alabama, and lived together thereafter as husband and wife until, to-wit, the month of November, 1953, at which time the Respondent voluntarily and without any just cause or excuse, abandoned her bed and board.

THIRD: That such abandonment has been continuous, absolute and voluntary from November, 1953, up to the time of the filing of this bill of complaint, and for much more than one year.

FOURTH: That there were no children born of their marriage.

FIFTH: That the Respondent is an able-bodied man, earning and capable of earning a substantial income; that she has no means of support except what she can earn by her personal work.

WHEREFORE, the premises considered, Complainant prays that Freeman Wainwright be made Defendant to this bill and by appropriate process required to answer same within the time prescribed by law and obey such orders and decrees as may be made in the premises.

Complainant further prays that an order of reference issue forthwith commanding the Register of this Honorable Court to ascertain and report upon a suitable amount to be

allowed Complainant as alimony pendente lite, and a further sum as counsel fees for her prosecution of this cause, and that upon said finding a decree be rendered commanding the payment of such sums to Complainant.

Complainant further prays that upon the hearing of this cause a decree be rendered forever divorcing her from the said Freeman Wainwright, granting to her the right to marry again should she so desire, and commanding the payment by Defendant of such sum as permanent alimony as to Your Honors may seem fit, together with such other, further or different relief as may appear proper in the premises.

FILED
Mar. 18, 1955
ALICE J. DUCK, Reg.

SOLICITORS FOR COMPLAINANT

| | |
|---|---|
| MARY L. WAINWRIGHT | IN THE CIRCUIT COURT OF |
| No.....VS. | BALDWIN COUNTY, ALABAMA. |
| FREEMAN WAINWRIGHT | IN EQUITY. |

## ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

## NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

### FOR COMPLAINANT

1. Bill for divorce
2. Answer and Waiver by Defendant
3. Depositions of Mary L. Wainwright and Mrs. Gertrude Pope.

FILED, 4-23-55

Alice J. Merck Register

D. W. Kelly Jr.
Solicitor—for Complainant

### FOR RESPONDENT

Solicitor—for Respondent

No.

MARY L. WAINWRIGHT

Vs.

FREEMAN WAINWRIGHT

**ORDER OF SUBMISSION**
**NOTE OF EVIDENCE**

FILED
APR 23 1955
ALICE J. DUCK, Register

Terms, 19

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Ent. Min. No. Page

C. C. Equity—1000—8-54

BOOK 017 PAGE 82

MARY L. WAINWRIGHT
Complainant

No. _____ Vs.

FREEMAN WAINWRIGHT
Defendant

CIRCUIT COURT OF ~~MOBILE~~ BALDWIN
COUNTY, ALABAMA
IN EQUITY

## DEMAND FOR ORAL EXAMINATION

**The State of Alabama,**
**~~Mobile~~ Baldwin County**

The Complainant requests the oral examination of the following named witnesses on her behalf, viz.:

Mary L. Wainwright
Mrs. Gertrude Pope

said witnesses reside in the county of Baldwin, State of Alabama. Henrietta P. Dudley who resides at Mobile, Alabama,

is suggested as a suitable person to be appointed Commissioner to take depositions of said witnesses on such oral examination.

Filed 4-20-55

ALICE DUCK
~~W. ELSWORTH HAUGHTON~~, Register.

H. V. Colley Jr.
Solicitor for Complainant

No._____

BALDWIN

**CIRCUIT COURT OF ~~MOBILE~~ COUNTY**

**Mobile, Alabama**

MARY L. WAINWRIGHT

Vs.

FREEMAN WAINWRIGHT

**DEMAND FOR ORAL EXAMINATION**

3499