

4472

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon CLARENCE MIDDLETON 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 LUCY MIDDLETON, as Complainant and against Clarence Middleton as Respondent.

WITNESS MY HAND THIS the 6 day of Jan, 1959.  
Alice J. Duck  
Register

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LUCY MIDDLETON	Ø	IN THE CIRCUIT COURT OF
COMPLAINANT	Ø	BALDWIN COUNTY, ALABAMA,
VS	Ø	IN EQUITY
CLARENCE MIDDLETON	Ø	
RESPONDENT	Ø	
	Ø	

TO HONORABLE HUPERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY;

Your Complainant, Lucy Middleton, respectfully represents unto Your Honor and this Honorable Court as follows:

1.

That your complainant and the Respondent are both over the age of twenty-one years, and are bond fide resident citizens of Baldwin County, Alabama.

2.

That your Complainant and the Respondent were married in Baldwin County, Alabama, on July 4, 1956, and lived together as husband and wife until on, to-wit, November 10, 1956.

3.

That on to-wit, November 10, 1956, the Respondent voluntarily abandoned the bed and board of your Complainant and has remained away voluntarily and continuously since that time.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Clarence Middleton party respondent to this Bill of Complaint requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court..

Your Complainant further prays that upon a final hearing hereof, Your Honor will enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

Wilters & Brantley

BY: *Sam J. Wilters Jr.*  
Solicitors for the Complainant

4472

LUCY MIDDLETON

COMPLAINANT

VS

CLARENCE MIDDLETON

RESPONDENT

BILL OF COMPLAINT

**FILED**

JAN 6 1959

ALICE J. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: Evelyn Watts

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 Lucy Middleton and Bessie Swindle

a witness in behalf of Complainant in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein Lucy Middleton is

, Complainant  
and Clarence Middleton is

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

Witness

day of

Jan

1959

Alice J. Duck  
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

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THE STATE OF ALABAMA  
Baldwin County

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CIRCUIT COURT

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Lucy Middleton

Complainant

VS.

Clarence Middleton

FILED

JAN 6 1959

ALICE J. DUCK, Register

Defendant

---

COMMISSION TO TAKE DEPOSITION

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COMMISSIONER:

Evelyn Watts

WITNESSES:

Lucy Middleton

Bessie Swindle

**THE STATE OF ALABAMA,**  
**BALDWIN COUNTY**

Circuit Court of Baldwin County, Alabama  
(In Equity)

Lucy Middleton COMPLAINANT

vs.

Clarence Middleton RESPONDENT

I, Evelyn Watts

as ~~Register and~~ Commissioner

have called and caused to come before me Lucy Middleton and Bessie Swindle

witness es named in the requirement for Oral Examination, on the 6th day of January  
19 59, at the office of Wilters & Brantley

in Bay Minette, Alabama, and having first sworn said witness es to speak the  
truth, the whole truth, and nothing but the truth, the said Lucy Middleton and Bessie

Swindle doth depose and say as follows:

My name is Lucy Middleton, and I am the Complainant in this cause. The Respondent and I are over the age of 21 years and bona fide resident citizens of Baldwin County, Alabama. We were married in Baldwin County on July 4, 1956, and lived together until November 10, 1956. On that date the Respondent abandoned my bed and board and has remained away voluntarily and continuously since that time. There was no children born of this marriage.

Lucy Middleton

My name is Bessie Swindle. I have known the Complainant and Respondent for many years and I know that they have not lived together as husband and wife since November 1956.

Bessie Swindle

I, Evelyn Watts as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness<sup>es</sup> and read over to them and they signed the same in the presence of myself and \_\_\_\_\_ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness<sup>es</sup> or had proof made before me of the identity of said witness<sup>es</sup>; 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 6th day of January, 1959.

Evelyn Watts (L. S.)

No. _____		Page _____	
THE STATE OF ALABAMA, BALDWIN COUNTY			
IN CIRCUIT COURT, IN EQUITY			
Lucy Middleton			
COMPLAINANT			
vs. Clarence Middleton			
RESPONDENT			
ORAL DEPOSITION			
Filed _____		19 _____	
JAN 6 1959		FILED	
ALICE J. DUCK, Register		Register.	
RECORDED IN		Record	
Vol. _____		Page _____	
_____		Register.	

LUCY MIDDLETON

vs.

CLARENCE MIDDLETON

## 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, \_\_\_\_\_  
answer and waiver of respondent and testimony of Lucy Middleton and  
Bessie Swindle \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Willard B. Smith  
7 May 1914

Alice J. Dusk  
Register.



No. ....

**THE STATE OF ALABAMA**

**Baldwin County**

**IN EQUITY**

**Circuit Court of Baldwin County**

Lucy Middleton

vs.

Clarence Middleton

**NOTE OF TESTIMONY**

Filed in Open Court this

day of **FILED**, 194

**JAN 6 1959**

**ALEX H. DUCK** Register

Register.

Printed by the Baldwin Times

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Lucy Middleton, Complainant

vs.

Clarence Middleton, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on answer and waiver and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and that the said Lucy Middleton is forever divorced from the said Clarence Middleton for and on account of Voluntary abandonment

It is futher ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is futher ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is futher ordered that Clarence Middleton the Respondent pay the cost herein to be taxed, for which executed may issue.

This 7<sup>th</sup> day of January 1959  
Hubert M. Steele  
Judge Circuit Court, In Equity.

I, \_\_\_\_\_, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree, rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Register of Circuit Court, In Equity.

No.----- Page-----

**THE STATE OF ALABAMA  
BALDWIN COUNTY**

**In Circuit Court, In Equity**

Lucy Middleton

Complainant

vs.

Clarence Middleton

Respondent

**DIVORCE DECREE**

LUCY MIDDLETON

COMPLAINANT

VS

CLARENCE MIDDLETON

RESPONDENT

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

Now comes the Respondent, in his own proper person, and admits the allegations contained in the Bill of Complaint filed in the above styled cause as to ages, residences and marriage, but denies all other allegations therein contained and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

Clarence Middleton

STATE OF  
COUNTY OF

California  
San Bernardino

I, VICTOR E. FEREIRA, a Notary Public, in and for said County, in said State, hereby certify that Clarence Middleton, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 27<sup>th</sup> day of Dec., 1958.

Victor E. Ferreira  
Notary Public, F

My Commission Expires Nov. 29, 1958

My Commission Expires Nov. 29, 1958

LUCY MIDDLETON

COMPLAINANT

VS

CLARENCE MIDDLETON

RESPONDENT

ANSWER AND WAIVER

**FILED**  
JAN 6 1959  
ALICE J. DUCK, Register