

499

FRANCES L. WILLIAMS,
Complainant

-vs-

AUGUSTUS T. WILLIAMS,
Defendant.

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

This cause coming on to be heard in vacation was submitted upon the bill of complaint, decree pro confesso 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 her said bill.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and the Defendant, be, and the same are hereby dissolved, and the said Frances L. Williams is hereby divorced from the said Augustus T. Williams for and on account of his abandonment of her as alleged in said bill of complaint.

It is further ordered that the parties hereto be, and they are hereby permitted to again contract marriage upon the payment of the costs of Court in this cause.

It is further ordered that the said Defendant Augustus T. Williams pay the costs herein taxed, for which execution may issue, and if such execution be returned "no property found," then execution for such costs may issue against the Complainant.

It is further ordered, adjudged and decreed that neither party shall again marry, except to each other, until the expiration of sixty days from this date, and if an appeal be taken within said sixty days, neither shall marry again except to the other during the pendency of said appeal.

Done at Monroeville, Alabama, this the 9th day of August, Nineteen Hundred and Twenty-nine.

J. W. Hare

Judge of the Circuit Court of Baldwin County, Alabama.

mc

FRANCES L. WILLIAMS,
Complainant

-vs-

AUGUST T. WILLIAMS,
Defendant.

DECREE OF DIVORCE.

Filed Aug 9th/1929
J. M. Willymon
Clerk

RECORDED

FRANCES L. WILLIAMS,)
Complainant)

-vs-

AUGUSTUS T. WILLIAMS,)
Defendant.)

IN EQUITY

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA.

The depositions of Frances L. Williams, and Virginia Samuels, witnesses examined on behalf of the Complainant in the above entitled cause which is pending in the Honorable the Circuit Court of Baldwin County, Alabama.

The said witnesses appeared before me at the times 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, Frances L. Williams and Virginia Samuels, being duly sworn, testified as follows:

FRANCES L. WILLIAMS.

I am the Complainant in this cause, and am thirty-five years of age. I was born and raised in the city of Mobile, Alabama, and lived there until 1916 when I moved to Montrose in Baldwin County, Alabama, and have lived there continuously ever since. I have been and am now a bona fide resident of Baldwin County from 1916 to the present time.

On January 4, 1917 I was married to Augustus T. Williams, who is about the same age as I am, and who is now and has been all of his life a bona fide resident of the State of Alabama. At present he is living at ^{Barlow Bend} ~~xxxxxxx~~, in Clarke County, Alabama. There was to our marriage four children, three of whom are living, two daughters, Lulu now twelve years of age and Mary Jane nine years of age, and a son Virgil, age seven years.

In the spring of 1923 my husband left me and went up into Clarke County to work, and when he went away he did not do anything for the support of our children or myself. He did not come back, and to support my children I went north for a while and worked there, but soon came back to Baldwin County, where I had left my children, and then got a position teaching school. From the time my husband went away in March 1923 up to and including the present date I have not laid eyes on him, but have been reliably informed that he is living now in Clarke County, with another woman by whom he has three children. At any rate he had abandoned me absolutely more than two years before I filed this bill, and this abandonment has continued to the present time without any resumption of the marriage relations whatsoever, nor has he done anything at all for the children's support of mine.

Frances Williams

VIRGINIA SAMUELS

I am a resident of Baldwin County, Alabama, and the mother of Frances L. Williams. I have heard what she has testified to and know that this is true. She and Augustus lived together as husband and wife from January 1917 to March 1923 when Augustus left his family and went up to Barlow Bend in Clarke County, Alabama, to get out timber, from that time on he never came back to Montrose, but left his wife and children without any support. I know of my own knowledge that he had abandoned his wife entirely for more than two years before she brought suit for divorce, and that she had not laid eyes on him in all that time, nor had he done anything for her support or the children's. I have learned that before he married my daughter he had been living with the woman with whom he is living now and who had ^a child by him, and when he went to Barlow Bend he took up with her again and abandoned his family.

Virginia Samuels

C E R T I F I C A T E.

I, Janie S. Green, the commissioner named in the attached commission which issued out of the Honorable the Circuit Court of Baldwin County, Alabama, do hereby certify that in a certain cause pending in said court wherein Frances L. Williams is Complainant and Augustus T. Williams, Defendant, under and by virtue of the power conferred upon me by said commission, I caused the said Frances L. Williams and Virginia Samuels, who are known to me and who are known to me to be the identical witnesses named in the commission, to come before me at the times and place hereinafter named, that is to say I caused the said Frances L. Williams and Virginia Samuels to come before me at my office 905 Van Antwerp Building, Mobile, Alabama, on the 8th day of August, 1929; that said witnesses were first duly sworn by me as stated; that their testimony was by me reduced to writing as given by them 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 eighth day of August, 1929.

Janie S. Green
Commissioner.

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To Mrs. Janie S. Green

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, at such time and place as you may appoint, to call before you and examine

Frances L. Williams,

Virginia Samuels.

as witnesses in behalf of Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Francis L. Williams,

Complainant

and

Augustus T. Williams,

Defendant,

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

Witness 5th day of August 1929.

[Handwritten Signature]

REGISTER

COMMISSIONER'S FEE, \$5.00 - Paid 5/8/29 Janie S. Green

WITNESS' FEES, \$

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

Frances L. Williams

Complainant

vs.

Augustus W. Williams,

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Mrs. Janie S. Green,

WITNESSES:

Frances L. Williams,

Virginia Samuels

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Comes FRANCES L. WILLIAMS, and, by this bill of complaint presented against AUGUSTUS T. WILLIAMS, shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years and are now and have been for more than three years prior to this date bona fide residents of Baldwin County, Alabama.

SECOND: That Complainant and Defendant were lawfully married in the City of Mobile on January 4th, 1917, and lived together as husband and wife until March, 1923, in the Village of Montrose, Baldwin County, Alabama, during which time four children were born to them, of whom three survived, namely, Lula, aged seven, Mary Jane, aged five, and Virgil, aged two.

THIRD: That during the period of this marriage, while Defendant has made good money in rafting timber and lumber, he has spent a large part of the time away from home. During this period he has done nothing for his children. That Complainant supported them and herself by teaching in the Public Schools of Baldwin County.

FOURTH: That in the month of March, 1923, Defendant completely abandoned the bed and board of his wife and left her and their children without means of support, which abandonment has continued uninterruptedly up to the present day without a resumption of marital relations, Defendant spending his time at Barlow Bend, in Clarke County, Alabama, where his principal logging operations are, and at which place Complainant is informed he has taken up adulterous relations with a woman whose first name is Aureline but whose last name is unknown to Complainant. Complainant further charges that said Defendant is guilty of adultery with said Aureline with whom he lives, and by whom he has had a child, and has recently learned that this criminal intimacy existed prior to the time Defendant permanently abandoned his wife.

FIFTH: Complainant further states that in the month of May, 1922, she and her husband purchased jointly a little home at Montrose which was not quite complete but that Defendant not only did not complete this so as to render it suitable for occupancy by his wife and children, but has recently attempted to dispose of it without the consent of Complainant, and to this end authorized and instructed a neighbor to tear out the ceiling, doors and windows of the house, which has been done, and the lumber and building materials thus taken sold for a trifle, thereby greatly damaging the property to the serious detriment of Complainant's interest therein.

THE PREMISES CONSIDERED, Complainant prays that Augustus T. Williams be made party 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 upon the hearing of this cause a decree be rendered forever divorcing her from the said Augustus T. Williams, granting her the right to marry again should she so desire, and the custody of the children of said marriage. She further prays that appropriate order of reference be made to ascertain a suitable amount to be allowed her as alimony pendente lite and counsel fees for the prosecution of this cause, and that upon the final hearing of the cause a decree granting her a suitable amount of permanent alimony be also made, together with such other, further or different relief as to equity may seem meet.

Rickaby Bebeasley
Solicitors for Complainant.

NOTE:

The Respondent is required to answer each paragraph of the foregoing bill but not under oath.

Rickaby Bebeasley
Solicitors for Complainant.

Argued

Francis L. Williams
vs
Augustus L. Williams

Filed Apr 22, 1925
T. Williams
Register

RECORDED

8581 NOTE OF TESTIMONY

..... Frances L. Williams

.....
.....

.....
.....

vs.

..... Augustus T. Williams

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.....

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
decree pro confesso and testimony of Frances L. Williams and
Virginia Samuels

and in behalf of Defendant upon

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.....
.....

J. Williams

Register.

8281
NOTE OF TESTIMONY

No. 499

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Frances L. Williams

vs

Augustus T. Williams

NOTE OF TESTIMONY

Filed in Open Court this 9th

day of August 1929

T. Williams

Register

FRANCES L. WILLIAMS,

VS

AUGUSTUS T. WILLIAMS,

REQUEST FOR DECREE IN VACATION.

*Friday 9/11/29
J. W. Williams
Register*

Elliott G. Rickarby,
Solicitor for Complainant.

The State of Alabama }
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Augustus T. Williams,

Barlow Bend, Clarke Co., Ala.

of Clarke County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Frances L. Williams

against said Augustus T. Williams,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 28th day of April

1925

T. W. Richerson
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Original

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THE STATE OF ALABAMA
BALDWIN COUNTY

Serve on _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Francis L. Williams,

Received in office this _____
day of _____ 192

Sheriff.

Executed this *3rd* day of

June 192*5*
by leaving a copy of the within summons with

Augustus T. Williams

Defendant.

vs.

Augustus T. Williams,

Thomas J. Lindley
Sheriff
Clarke County

By _____
Deputy Sheriff.

Barlow Bend, Ala.

Rickarby, Beebe & Cole,

Solicitor for Complainant.

Vol. _____ Page _____

RECORDED

LAW OFFICES
ELLIOTT G. RICKARBY
BAY MINETTE, ALABAMA

August 8, 1929.

Hon. F. W. Hare,
Judge Circuit Court,
Monroeville, Alabama.

Dear Judge:-

This letter will be handed to you together with the Equity file of Frances L. Williams vs. Augustus F. Williams pending in Baldwin County. This case has been on the docket for quite a while pending an adjustment of alimony, which has only recently been reached with Mr. John E. Adams of Grove Hill. There being no resistance to the charge of abandonment alleged, the Defendant has now agreed to deed to the Complainant his interest in some land in Baldwin County, owned jointly by them, in lieu of alimony and counsel fees, and has further agreed to pay the costs.

Mr. Adams, who does not appear of record but who has actively represented the Defendant in all negotiations, has requested me to request in submitting the case that permission be granted the Defendant as well as the Complainant to re-marry at the expiration of sixty days, and while I have no objection to this, I do not make the request in my own behalf, but voice it as coming from Mr. Adams, adding, however, that we have no objection to such order if it meets with your approval. I have prepared the decree accordingly, and believe that you will find that this is justified by the evidence.

The Complainant in this cause is a very bright young colored woman of the better class, who at one time worked in my family, and for whom my wife has a high regard. The Defendant was for a long time a very hard working and capable man, but seems to have gone back to his first love.

I trust that you will be able to give this matter your early and favorable attention.

R:G

Very truly yours,

Elliott G. Rickarby

Francis L. Williams

compt

vs.

Augustus T. Williams

No 499.

THE STATE OF ALABAMA,

Baldwin COUNTY.

CIRCUIT COURT OF

Baldwin COUNTY,

IN EQUITY.

In this cause it being made to appear to the Court that a Summons was served upon the Defendant.....

Augustus T. Williams

by the Sheriff of Baldwin County, on the third day of

June 1925, requiring him to appear and plead, answer or demur to the Bill of Complaint in his cause within thirty days from the service of said Summons, and the said Defendant.....

having failed to plead, answer or demur to the said Bill to the date hereof. It is now, therefore, on motion of Complainant, ordered and decreed that the said Bill of Complaint in this cause be, and it hereby is, in all things, taken as confessed against the said Augustus T. Williams

Defendant.....aforesaid.

This sixth day of February 1929

F. W. Hale

Judge of the Circuit Court of
Baldwin County.

No. *H 99*

IN EQUITY.

CIRCUIT COURT OF

Baldwin COUNTY,

Francis L. Williams

vs.

Augustus T. Williams

DECREE OF PRO CONFESSO.

Filed in office this *6th* day of

February 19*29*

J. W. Williams
Register.

E. O. M.