

3725

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

THOMAS EDWARD ADAMS, et al Complainant

VS.

FRANCES LEE VOLKING Respondent

I, Barbara J. Thomas

as ~~Register~~ Commissioner in the above styled cause

have called and caused to come before me Thomas Edward Adams and Charles

Edward Adams, who were examined by me in the presence of

James Hendrix, guardian ad litem for the respondent.

witnesses named in the Requirement for Oral Examination, on the 24th day of March

1956, at the office of Ernest M. Bailey

in Fairhope, Alabama, and having first sworn said Witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Thomas Edward Adams and

Charles Edward Adams doth depose and say as follows:

STATEMENT OF THOMAS EDWARD ADAMS:

My name is Thomas Edward Adams. I am fifteen (15) years of age, having been born on June 12, 1940. I am a resident of Fairhope, Baldwin County, Alabama where I live with my parents. On February 11, 1956 at about 11:00 o'clock A. M. I entered into a marriage contract with Frances Lee Volking in Lucedale, Mississippi. At that time I did not know I had to have the consent of my parents nor did I have the consent of my parents. I did not fully realize the import of my actions.

Frances Lee Volking is sixteen (16) years of age and I do not believe that either of us realized the full implications of the marriage ceremony and considered the whole thing a "lark". We have not lived together as man and wife.

Thomas Edward Adams
Thomas Edward Adams

STATEMENT OF CHARLES EDWARD ADAMS:

My name is Charles Edward Adams. I am over the age of twenty-one years and a resident of Baldwin County, Alabama. I am the father of Thomas Edward Adams, a minor of fifteen (15) years of age. On February 12, 1956 my son, Thomas Edward Adams informed me that he had entered into a marriage ceremony in Lucedale, Mississippi with Frances Lee Volking. I knew nothing of this pending marriage and did not give my consent thereto. My wife and the mother of Thomas Edward Adams is Ruby A. Adams and she did not give her consent to the marriage.

Thomas Edward Adams is a boy of the tender age as aforesaid and in my opinion is mentally incapable of fully realizing the implications of his entering into this marriage ceremony.

Charles Edward Adams
Charles Edward Adams

James Hendrix, guardian ad litem for the respondent being present at the giving of testimony, had no questions of the witnesses.

James Hendrix

ORAL EXAMINATION

I, Barbara J. Thomas, as ~~Register~~ and Commissioner hereby certify that the foregoing deposition S on Oral Examination was taken down by me in writing in the words of the witness ES and read over to them and they signed the same in the presence of myself and Ernest M. Bailey, Attorney at Law, Fairhope, Alabama

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ES or had proom made before me of the identity of said witness ES; 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 24th day of March, 1956.

Barbara J. Thomas (L. S.)

No. _____ Page _____

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

THOMAS EDWARD ADAMS, et al

vs. **Complainant**

FRANCES LEE VOLKING

Respondent

Oral Deposition

Filed _____, 19____

Register

Recorded in

Record

Vol. _____ Page _____

Register

THOMAS EDWARD ADAMS, INDIVIDUALLY, AND :
 THOMAS EDWARD ADAMS, A MINOR, SUING BY :
 HIS FATHER AND NEXT FRIEND, :
 CHARLES EDWARD ADAMS, :
 Complainants : BALDWIN COUNTY, ALABAMA
 -vs- : IN EQUITY
 FRANCES LEE VOLKING, :
 Respondent :

APPOINTMENT OF GUARDIAN AD LITEM

In this cause it is made to appear to the Register by the averments of the bill of complaint that the defendant, Frances Lee Volking, is an infant under the age of twenty-one years; and it further appears that a summons on the bill of complaint in this cause was served upon her on the 22nd day of February, 1956; and it further appears that there has been nominated in writing by the said Frances Lee Volking to act as guardian ad litem James Hendrix, an attorney at law; and it now appearing that James Hendrix is in all respects a suitable person to act as guardian ad litem for said infant, and the said James Hendrix having filed his consent in writing to act as such; it is now, thereupon, ordered by the Court that the said James Hendrix be, and he hereby is, appointed guardian ad litem, in this cause, for said infant defendant.

Dated this 24th day of March, 1956.

James Hendrix
 Register

Thomas Edward Adams, Individually, and
Thomas Edward Adams, a Minor, Suing by
his Father and Next Friend,
Charles Edward Adams,

Complainants

-vs-

Frances Lee Volking,

Respondent

APPOINTMENT OF GUARDIAN AD LITEM

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

FILED

MAR 23 1956

ALICE J. DUCK, Register

THOMAS EDWARD ADAMS, Individually, : IN THE CIRCUIT COURT OF
and Thomas Edward Adams, a Minor, :
Suing by His Father and Next Friend, : BALDWIN COUNTY, ALABAMA
Charles Edward Adams, :
Complainants : IN EQUITY

-vs-

FRANCES LEE VOLKING,
Respondent

Comes the Respondent, Frances Lee Volking, a Minor Sixteen
years of age and nominates as her guardian ad litem in this case
James Hendrix, of Robertsdale, Alabama, and requests that the Court
appoint the said James Hendrix as guardian ad litem for her to de-
fend this cause.

Frances Lee Volking

Frances Lee Volking

Witness:

Helen Bailey

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Thomas Edward Adams, Individually,
and Thomas Edward Adams, a Minor,
Suing by his Father and Next Friend,
Charles Edward Adams,

Complainants

-vs-

Frances Lee Volking,

Respondent

Nominations
APPOINTMENT OF GUARDIAN AD LITEM
BY THE RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

MAR 22 1956

ALICE L. DUCK, Register

8600 Motion for Decree Pro Confesso on Personal Service.

3107 Code

MPCO.

THE STATE OF ALABAMA,
Baldwin County

No. 3725 Circuit Court, In Equity.

Thomas Edward Adams et al Complainant

Vs.

Frances Lee Volking Defendant

Motion is hereby made for a Decree Pro Confesso against Frances Lee Volking

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant ...; and that said summons was duly served according to law, and that said Defendant ... has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 23rd day of March 1916

James M. Bailey
Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

Thomas Edward Adams
et al

Vs.

Frances Lee Volking

Motion for Decree Pro Confesso on
Personal Service

Filed _____ 19 _____

Register.

Recorded in _____ Record _____

Vol. _____ Page _____

Register.

THOMAS EDWARD ADAMS, Individually, :
and THOMAS EDWARD ADAMS, a Minor, :
Suing by His Father and Next Friend, :
CHARLES EDWARD ADAMS, :

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

Complainant

-vs-

FRANCES LEE VOLKING,

Respondent

DECREE ANNULING MARRIAGE

This cause coming on to be heard upon the Bill of Complaint, Appointment and Acceptance of Guardian Ad Litem, Answer and Waiver of Respondent and the Testimony as noted by Commissioner and 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 Thomas Edward Adams and Frances Lee Volking on the 11th day of February, 1956, at Lucedale, Mississippi, be and the same is hereby annulled and declared for naught and that the said Thomas Edward Adams and Frances Lee Volking 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 this 24 day of March, 1956 at Bay Minette, Alabama.

Hubert M. Hall
Judge

J.H.

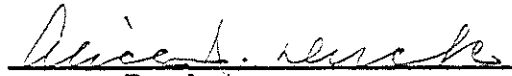
STATE OF ALABAMA)
BALDWIN COUNTY)

BOOK 021 PAGE 247

TO: ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summon Frances Lee Volking 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 Thomas Edward Adams, Individually, and Thomas Edward Adams, Suing by His Father and Next Friend, Charles Edward Adams, as Complainant, against Frances Lee Volking, as Respondent.

Witness my hand this the 20 day of February, 1956.



Register

Respondent lives at 157 S. Bayview
Avenue, Fairhope, Alabama

THOMAS EDWARD ADAMS, Individually, :
and THOMAS EDWARD ADAMS, a Minor, :
Suing by His Father and Next Friend, :
CHARLES EDWARD ADAMS, :

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Complainants

IN EQUITY

vs.

FRANCES LEE VOLKING,

Respondent

BILL TO ANNUL MARRIAGE OF MINOR BY NEXT FRIEND

TO THE HONORABLE JUDGES OF SAID COURT, IN EQUITY SITTING:

Comes your Complainant, Thomas Edward Adams, Individually, and Thomas Edward Adams, a minor suing by his father and next friend, Charles Edward Adams, and respectfully represents and shows unto Your Honors as follows:

1. That the said Thomas Edward Adams is a minor of the age of, to-wit, fifteen years, having been born on, to-wit, June 12, 1940, and that his father and next friend is Charles Edward Adams, who is over the age of twenty-one years; that both he, the said Thomas Edward Adams and the said Charles Edward Adams, are resident citizens of Baldwin County, Alabama; that the Respondent, Frances Lee Volking, is a minor under the age of eighteen years and that the said Frances Lee Volking is a resident of Baldwin County, Alabama.

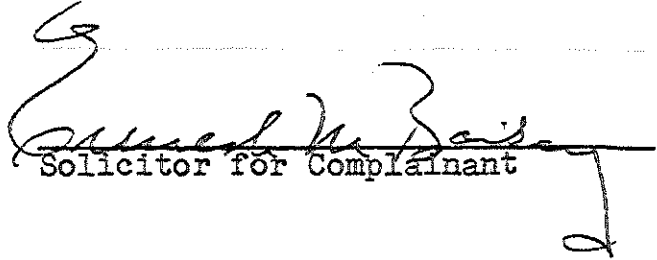
2. That on, to-wit, the 11th day of February, 1956, the said Thomas Edward Adams and Frances Lee Volking, without the knowledge or consent of the parents of Thomas Edward Adams, secured a marriage license and a marriage ceremony was performed in the town of Lucedale, Mississippi, purporting to unite the said Thomas Edward Adams and Frances Lee Volking in marriage.

3. That since the said purported marriage the said Thomas Edward Adams and Frances Lee Volking have not lived together as man and wife nor in any way recognized each other as such.

4. That at the time the said marriage license was obtained and at the time the said marriage ceremony was performed, the said Thomas Edward Adams was mentally incapable of entering into a valid contract of marriage; that at the time the said marriage license was obtained and at the time the said marriage ceremony was performed, the said

Frances Lee Volking was represented by her mother, Mrs. B. J. Volking, who had consented to the marriage of the said Frances Lee Volking; that the mother, Mrs. B. J. Volking, then and there knew that Thomas Edward Adams was incapable of entering into a valid contract of marriage; that it is to the best interests of both the said Thomas Edward Adams and Frances Lee Volking that the purported marriage be annulled and held for naught.

The premises considered, your Complainant makes party defendant to this Bill of Complaint the said Frances Lee Volking and prays that service may be had upon her in the manner required by law, and that a guardian ad litem may be appointed by this Honorable Court to defend this Bill in her behalf, and upon a hearing hereof your Complainant prays that this Honorable Court may annul and declare for naught the said purported marriage and may adjudge, and decree that the said Thomas Edward Adams and Frances Lee Volking are not legally married but are single persons, and your Complainant prays that he may have such other, further or different relief as in equity he may be entitled.


Solicitor for Complainant

THOMAS EDWARD ADAMS, INDIVIDUALLY, AND :
THOMAS EDWARD ADAMS, A MINOR, SUING BY :
HIS FATHER AND NEXT FRIEND, :
CHARLES EDWARD ADAMS, :

Complainants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

-vs-

IN EQUITY

FRANCES LEE VOLKING,

Respondent

APPOINTMENT OF GUARDIAN AD LITEM

In this cause it is made to appear to the Register by the averments of the bill of complaint that the defendant, Frances Lee Volking, is an infant under the age of twenty-one years; and it further appears that a summons on the bill of complaint in this cause was served upon her on the 22nd day of February, 1956; and it further appears that there has been nominated in writing by the said Frances Lee Volking to act as guardian ad litem James Hendrix, an attorney at law; and it now appearing that James Hendrix is in all respects a suitable person to act as guardian ad litem for said infant, and the said James Hendrix having filed his consent in writing to act as such; it is now, thereupon, ordered by the Court that the said James Hendrix be, and he hereby is, appointed guardian ad litem, in this cause, for said infant defendant.

Dated this _____ day of March, 1956.

Register

APPOINTMENT OF GUARDIAN AD LITEM
JAMES HENDRIX, ATTORNEY AT LAW
BALDWIN COUNTY, ALABAMA

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Barbara J. Thomas
Fairhope, 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 Thomas Edward Adams
and Charles Edward Adams

as witnesses in behalf of Thomas Edward Adams in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Thomas Edward Adams, et al

_____, Complainant S
and _____

Frances Lee Volking Respondent

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

Witness 23rd day of March, 1946

Alvin J. Black
Register.

Commissioner's Fee, \$ 5.00

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Thomas Edward Adams, et al
Complainant.s

VS.

Frances Lee Volking

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Barbara J. Thomas

Fairhope, Alabama

WITNESSES:

Thomas Edward Adams

Charles Edward Adams

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Thomas Edward Adams, et al

VS.

Frances Lee Volking

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, _____ and
Oral testimony by Thomas Edward Adams and Charles Edward Adams

and in behalf of Defendant upon Personal Service and Guardian ad Litem

Answer. and decree pro confesso after personal service

J.H.

W. J. ... Register.

No. _____

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Thomas Edward Adams, et al

VS.

Frances Lee Volking

NOTE OF TESTIMONY

Filed in Open Court this _____

day of _____ 194_____

Register.

Moore Printing Co.

FILED
MAR 22
1956

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

Thomas Edward Adams et al
Complainant,
Vs.
Frances Lee Volking
Respondent.

In the Circuit Court.
In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent _____

Frances Lee Volking

by the Sheriff of Baldwin County, on the 22 day of February, 1946

And it further appears to the Register, that that the said _____

Frances Lee Volking

_____ the Respondent, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,

on motion of Ernest M. Bailey Solicitors

for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,

and it hereby is, in all things taken as confessed against the said _____

Frances Lee Volking

This 23rd day of March, 1946

Register.

No. 3725

**CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.
IN EQUITY**

Thomas Edward Adams et al

Complainant,

Vs.

Frances Lee Volking

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 23rd day of March
1956.

Register.

THE BALDWIN TIMES

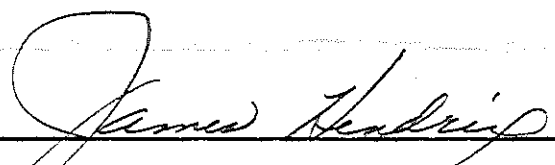
THOMAS EDWARD ADAMS, Individually, : IN THE CIRCUIT COURT OF
and Thomas Edward Adams, a Minor, :
Suing by His Father and Next Friend, : BALDWIN COUNTY, ALABAMA
CHARLES EDWARD ADAMS, Complainants : IN EQUITY

vs. :

FRANCES LEE VOLKING, :
Respondent :

ACCEPTANCE OF GUARDIAN AD LITEM

Comes JAMES HENDRIX and accepts appointment as guardian ad litem for Frances Lee Volking, a minor, and as such guardian ad litem denies the allegations of the bill and demands strict proof thereof.


As Guardian ad Litem for Frances Lee Volking

RECEIVED BY CLERK FOR BALDWIN COUNTY ALABAMA

Thomas Edward Adams, individually,
and Thomas Edward Adams, a Minor,
Being by His Father and Next Friend,
Charles Edward Adams,

Complainants

vs.

Frances Lee Volking,

Respondent

ACCEPTANCE OF GUARDIAN AD LITEM

And Answer.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

MAR 22 1956

ALICE J. BUCK, Register

3725

RECORDED BY CLERK FOR BALDWIN COUNTY ALABAMA
INDEXED BY CLERK FOR BALDWIN COUNTY ALABAMA

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