STATE OF ALABAMA

IN THE CIRCUIT COURT - IN EQUITY

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Irvin V. Wallace 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 Ruth E. Wallace as Complainant, against Irvin V. Wallace, as Respondent.

Witness my hand this 19 day of June, 1959.

Alice Q. Sluck
Register.

RUTH E. WALLACE,	X	IN THE CIRCUIT COURT OF
Complainant,	X	
vs.	X	BALDWIN COUNTY, ALABAMA
IRVIN V. WALLACE,	X	IN EQUITY
Respondent.	X	

Comes your Complainant, Ruth E. Wallace, and filed this her Bill of Complaint for divorce against Irvin V. Wallace, and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and the Respondent are over the age of twenty-one years, and are both resident citizens of Baldwin County, Alabama, residing at Gulf Shores, and they have been such residents for more than ten years last past.

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit: December 14, 1946, and livedtogether as man and wife until, on account of the matters hereinafter complained of, your Complainant was compelled to leave the Respondent and live separate and apart from him; that on, to-wit: in the early

morning hours of June 19, 1959, the Respondent committed actual violence on the person of your Complainant, attended with danger to her life or health by striking her with his fist and with a belt. The Respondent also threatened to commit further violence on the person of your Complainant and she has reasonable apprehension that if she continues to live with him that he will commit such further violence with danger to her life and health. Your Complainant has now left the Respondent and does not expect to return to him as his wife.

THIRD:

That there was born to your Complainant and the Respondent three children, Ruth Ann Wallace, age eleven, Mary Jane Wallace, age ten, and John Andrew Wallace, age 6. That your Complainant is a fit and proper person to have the care, custody and control of said minor children and the Respondent is not a fit and proper person to have the care, custody and control of such minors.

FOURTH:

That the Respondent is an able bodied man and is able to properly support your Complainant and his minor children. He earned approximately Seven Thousand Dollars ($7,000.00) last year. Your Complainant has no money, property or income with which to sufficiently support herself and said minor children nor does she have money with which to pay Chason & Stone as her Solicitors.

FIFTH:

On a previous separation the Respondent carried their children out of the jurisdiction of this Court and your Complainant believes that unless an order is issued by this Court granting temporary custody of such children to your Complainant that the Respondent will again attempt to carry such children out of the jurisdiction of this Court.

PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that the above named Irvin V. Wallace be made a part Defendant to this cause by the usual writ or process of this Honorable Court requiring him

to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that Your Honor will grant unto your Complainant an absolute divorce from said Respondent; that Your Honor will award your Complainant the full custody and control of her minor children; that Your Honor will order and decree that your Complainant shall have temporary custody of such children awaiting a final disposition of this matter; that Your Honor will ascertain and fix a reasonable amount to be paid by such Respondent to your Complainant as alimony and as support and maintenance for such children; that Your Honor will ascertain and fix a reasonable solicitor's fee to be paid Chason & Stone as Solicitors for your Complainant; that Your Honor will also decree that your Complainant be allowed to remarry if she sees fit. Should your Complainant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.

Ruth E. Wallace
Complainant

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Blanche White, a Notary Public, in and for said County in said State, personally appeared Ruth E. Wallace who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That she is the Complainant in the above styled cause and all of the matters and facts alleged therein are true and correct.

Ruth E. Wallace
Ruth E. Wallace

Sworn to and subscribed before me on this the 19th day of June, 1959.

Blanche White
Notary Public, Baldwin County, Alabama

FILED
JUN 19 1959
ALICE J. DUCK, CLERK REGISTER

$5.00

Ruth E. Wallace, Complainant,	)	IN THE CIRCUIT COURT
VS.	)	OF BALDWIN COUNTY, ALABAMA, IN EQUITY.
Irvin V. Wallace, Respondent.	)	

TESTIMONY TAKEN IN OPEN COURT, ON OCTOBER 14, 1959, BEFORE HON. HUBERT M. HALL, JUDGE OF SAID COURT.

MRS. RUTH E. WALLACE, THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Chason.

Q. Is your name Ruth E. Wallac e?
A. Yes sir.

Q. Are you the wife of Irvin V. Wallace?

A. Yes sir.

Q. Mrs. Wallace, you and Mr. Wallace are both over the age of 21 years, are you not?

A. Yes sir.

Q. Are you both residents of Baldwin County, Alabama?

A. Yes sir.

Q. Have you both been resident citizens of this County for more than 10 years?

A. Yes sir.

Q. Now when did you and Mr. Wallace get married?

A. December 14, 1946.

Q. Did you live together as man and wife until you were caused to leave him on or about June 19, 1959?

A. Yes sir.

Q. At that time, on June 19, 1959, what did Mr. Wallace do to you? ---Did he hit you?

A. Yes sir.

Q. Did he whip you with a belt?

A. Yes sir.

Q. Did he kick you, or was that belt marks?

A. Those were belt marks.

Q. Then he did commit actual violence on your person, attended with danger to your life and health?

A. Yes sir.

Q. Did you think it was necessary formyou to leave him for your safety?

A. Yes sir.

Q. Did you leave him at that time?

A. Yes sir.

Q. Have you lived together with him as his wife since that time?

A. No sir.

Q. You have three children, Ruth Ann Wallace, I believe she is 11 years of age?

A. Yes sir.

Q. She will be 12 in a few days?

A. Yes sir.

Q. Mary Jane Wallace, how old is she?

A. She is 10.

Q. John Andrew Wallace, your son, how old is he?

A. Six.

Q. Now have you and your husband, Mr. Wallace, executed in the presence of Cecil Chason, as his Attorney, and as a Notary Public, an agreement whereby you are to have custody during, as we refer to it, the summer months and he is to have custody of the children during the winter months, and with both of you having the reasonable rights of visitation at other times, by whichhe will pay you $20.00 a week, plus medicial and clothing while you have the children. Did you and Mr. Wallace both execute that in Cecil Chason's presence?

A. Yes sir.

Q. Are you agreeable to that and are you asking the Court to fix the order and fix the custody as shown by this agreement?

A. Yes sir.

MRS. EVELYN WILCOX, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Chason.

Q. What is your name?

A. Evelyn Wilcox.

Q. Are you the mother of Ruth E. Wallace?

A. Yes sir.

Q. Do you know Irvin V. Wallace, her husband?

A. Yes sir.

Q. Did you see your daughter on or about June 19, 1959?

A. I did.

Q. Did she show you some severe bruises on her body?

A. Yes sir.

Q. Was she bruised up?

A. Yes sir she was.

Q. Did she have evidence that she had just received a pretty severe whipping?

A. Yes sir.

Q. Did she leave Irvin V. Wallace at that time?

A. Yes sir.

Q. Separated from him?

A. Yes sir.

Q. To your knowledge has she lived with him as his wife since that time?

A. No sir.

Q. Are you familiar with the agreement they are submitting to the Court about the custody of the children?

A. Yes sir.

Q. Would you tell the Court that you think that is to the best interest of all parties that the matter be concluded in this way?

A. Yes sir, I think so.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 3, both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in open court, in the above styled cause, on October 14, 1959.

This 14th day of October, 1959.

Lance Hassler
Official Court Reporter

RUTH E. WALLACE, Complainant,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
IRVIN V. WALLACE, Respondent.	)	IN EQUITY

ANSWER AND CROSS-BILL

Comes your Respondent, Irvin V. Wallace, and in answer to the Complaint hereto filed in said cause, shows unto this Honorable Court as follows:-

1. Respondent admits the allegations of the first Paragraph of the Bill of Complaint.

2. Respondent admits that he and the Complainant were married on, to-wit, December 14, 1946, and admits that he and the Complainant are separated and do not again expect to live together as husband and wife, but denies each and every other allegation of the second Paragraph of the Bill of Complaint, and demands strict proof thereof.

3. Respondent admits that there was born of this marriage three (3) children, Ruth Ann Wallace, age 11 years, Mary Jane Wallace, age 10 years, and John Andrew Wallace, age 6 years, and denies each and every other allegation of the third Paragraph of the Bill of Complaint and demands strict proof thereof.

4. Respondent admits that he is an able bodied man and able to support his minor children, but denies each and every other allegation of the fourth Paragraph of the Bill of Complaint and demands strict proof thereof.

5. Respondent admits that he has had the children of this marriage in his custody and control on various occasions, but denies each and every other allegation of the fifth Paragraph of the Bill of Complaint and demands strict proof thereof, and further shows unto the Court that the Complaintnt is the person who has taken the children outside the Jurisdiction of this Court.

The Respondent, having answered the allegations of the Bill of Complaint, now shows unto this Honorable Court the following:

C. G. C.

6. That he and the Complainant, Ruth E. Wallace, are both

over the age of twenty-one years and are both residents of Baldwin County, Alabama, although she has been recently cohabiting with another man outside of the State of Alabama.

7. Respondent and Cross-Complainant further shows unto the Court that he and the said Ruth E. Wallace were married on, to-wit, December 14, 1946, and that there was born of this marriage three children, namely, Ruth Ann Wallace, 11 years of age, Mary Jane Wallace, 10 years of age, and John Andrew Wallace, 6 years of age.

8. Respondent and cross-Complainant further shows unto the Court and avers and alleges that Ruth E. Wallace has committed and been guilty of adultery with diverse parties and persons whose names are to your Complainant are unknown, and further, that the said Ruth E. Wallace has been living as man and wife with a person whose name is known to your Respondent and Cross-Complainant, and has with him committed adultery.

9. Your Respondent and cross-Complainant further shows unto the Court that he is a fit and proper person to have the care, custody and control of the minor children of this marriave vested in him, and that the said Ruth E. Wallace is not a fit and proper person to have the care and costody of the minor children of this marriage.

10. Your Respondent and cross-Complainant further shows unto the Court that heretofore your HONor has made and rendered an Order wherein it was indicated that the Complainant and cross-Respondent believed that your Respondent and Cross-Complainant would remove the minor children of this marriage outside the Jurisdiction of this Court. Respondent and Cross-Complainant further shows unto the Court that the said Ruth E. Wallace is the person who removed said minor children without the Jurisdiction of this Court, and that they are now within the Jurisdiction of the Court, and in the Custody of your Respondent and Cross-Complainant, in that they were found living with the said Ruth E. Wallace and another man in an apartment which was not to their best interest.

11. Respondent and Cross-Complainant shows unto the Court that the Complainant and Cross-Respondent will again remove the said minor children from the Jurisdiction of this Court, unless

C. G. C.

restrained, and Respondent and Cross-Complainant further shows in this connection that the Complainant and Cross-Respondent has secreted herself without the Jurisdiction of this Court, in an attempt to avoid a Judicial decision as to the Custody and control of the said minor children.

WHEREFORE, THE PREMISES CONSIDERED, your Respondent and Cross-Complainant prays that process may be served upon the Complainant and Cross-Respondent in accordance with the Rules of this Court and the Statutes in such cases made and provided; that your Honor will pendente Lite restrain and enjoin the said Complainant and Cross-Respondent from removing or allowing anyone to remove with her knowledge and consent the said minor children from the Jurisdiction of this Court, and that upon a final hearing hereof, he be granted a divorce from the said Complainant and Cross-Respondent, and that he be granted the care, custody and control of the said minor children, and that he be granted such other, further, general and different relief to which he may be entitled and as in duty bound he will ever pray.

Irvin V Wallace
Respondent and Cross-Complainant

Solicitor for Respondent and
Cross-Complainant

C. G. C.

RUTH E. WALLACE, Complainant,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
IRVIN V. WALLACE, Respondent.	)	IN EQUITY

Comes the Respondent, Irvin V. Wallace, and amends his Answer and Cross-Bill heretofore filed in said cause, by striking therefrom Paragraphs six through eleven, respectively, and as further answer to the Complaint heretofore filed, denies each and every allegation thereof not specifically herein admitted, and demands strict proof thereof.

Respondent further waives notice of taking of testimony, submission, or any or other further notice to which he may be entitled, and agrees that said cause may be submitted for final decree.

Irvin V. Wallace
Respondent

Solicitor for Respondent

C. G. C.

RUTH E. WALLACE, Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
IRVIN V. WALLACE, Respondent.	X	IN EQUITY

This matter coming on to be heard on the sworn Bill of Complaint filed by the Complainant in the above styled cause in which the Complainant alleges that she believes that the Respondent Irvin V. Wallace will attempt to take their minor children out of the jurisdiction of this Court and prays that this Court will grant her the temporary custody of the children; and the Court having considered the same is of the opinion that the Complainant is entitled to temporary custody of their minor children awaiting a final order of this Court.

It is, therefore, ORDERED, ADJUDGED and DECREED, by the Court that the Complainant, Ruth E. Wallace, shall have the temporary custody of her minor children, Ruth Ann Wallace, Mary Jane Wallace and John Andrew Wallace and that the Sheriff of this County is hereby directed to serve a copy of this order upon Irvin V. Wallace and should he have the custody of such children at the time service of a copy of this order is had upon him, then such Sheriff is directed to take such children and bring them into the custody of Ruth E. Wallace, awaiting a further order of this Court.

Done this 19 day of June, 1959.

Hubert M Hare
Judge

116

Received 26 day of June 1959
and on 25 day of June 1959
served a copy of the within Order
on Grace V. Wilkes

/ service on

TAYLOR WILKINS, Sheriff
By [illegible] D. S.

Gulf Shores

Sheriff claims 100 miles at
Ten Cents per mile Total $ 10.00
TAYLOR WILKINS, Sheriff

BY _____ DEPUTY SHERIFF

FILED
JUN 19 1959
ALICE J. DUCK, CLERK
REGISTER

RUTH E. WALLACE, Complainant,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
IRVIN V. WALLACE, Respondent.	)	IN EQUITY

DECREE

The Court having heretofore Ordered and Decreed that the Complainant, Ruth E. Wallace, should have temporary custody and control of the minor children of this marriage for the purpose of preventing the removal of said minor children from the Jurisdiction of this Court, and it having been amde to appear to the satisfaction of the Court that said children were by the said Ruth E. Wallace removed from the Jurisdiction of this Court, and the Court being of the opinion that the children might again be removed from the Jurisdiction of the Court prior to a hearing hereof, and the Court further being convinced that the said Ruth E. Wallace is as of the date hereof, outside the State of Alabama, it is,

THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the said Ruth E. Wallace, the Complainant in this cause, shall have the temporary custody of her minor children, Ruth Ann Wallace, Mary Jane Wallace and John Andrew Wallace, only should she return to and remain within the Jurisdiction of this Court, and failing to so return and remain, that temporary custody, pendente lite, shall be reposed in the said Irvin V. Wallace.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that neither Ruth E. Wallace or Irvin V. Wallace shall remove said children from the Jurisdiction of this Court, pending a final hearing hereon, nor shall they, knowingly, allow the removal of said children from the Jurisdiction of this Court.

DONE this the 9 day of October, 1959.

Hubert M. Hall

H. M. Hall, Judge of the Twenty-eighth Judicial Circuit, In Equity Sitting

C. G. C.

(4642)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

RUTH E. WALLACE, Complainant

vs.

IRVIN V. WALLACE, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ taken orally before the Court, 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 RUTH E. WALLACE is forever divorced from the said IRVIN V. WALLACE for and on account of Cruelty

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED By the Court that the Court hereby approves the agreement as to custody and support of the minor children, which has been executed by the parties hereto on October 14, 1959, a copy of which agreement is attached to and made a part of this decree. And the Court hereby orders and~~ decrees that such agreement be performed on the part of each party thereto.

It is further 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 marry except to each other during the pendency of said appeal.

It is further 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 further ordered that Complainant, Ruth E. Wallace and the Respondent, Irvin V. Wallace pay the cost herein to be taxed, for which executed may issue.

This 14th day of October, 19 59

Hubert M. Hare

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

_____

_____

Complainant

vs.

_____

_____

Respondent

DIVORCE DECREE

Filed
10-14-59
[illegible]

STATE OF ALABAMA

BALDWIN COUNTY

WHEREAS, heretofore, Ruth E. Wallace has filed a Bill of Complaint for divorce against Irvin V. Wallace, praying, among other things, custody and control of the minor children of the marriage, namely, Ruth Ann Wallace, Mary Jane Wallace and John Andrew Wallace, and,

WHEREAS, the parties to said proceeding have reached an agreement as to the care, custody and control of the said minor children, which they believe to be to the best interest of the said children, and,

WHEREAS, the said Ruth E. Wallace asserts that she intends to pursue her suit to its conclusion and that she cannot be reconciled with the Respondent, therefore, in consideration of the mutual coveanants and agreements herein made, the interest of the minor children, and the benefits to be derived by and through an amicable settlement and agreement, it is mutually agreed by and between the said parties hereto as follows:-

1. That care, custody and control of the minor children, Ruth Ann Wallace, Mary Jane Wallace and John Andrew Wallace, be reposed in the Respondent, Irvin V. Wallace, for the school year of Baldwin County schools, being approximately nine (9) months of each year.

2. That during the school year the said Ruth E. Wallace shall have rights of reasonable visitation.

3. That if, during this period, the said Irvin V. Wallace is to be out of Baldwin County, Alabama, for two (2) consecutive nights or more, then the children shall remain with the said Ruth E. Wallace during the period of absence, if she is residing in Baldwin County, Alabama, and can continue the children in their same school.

4. That during the school vacation in the Summer, being approximately three (3) months or slightly longer in extent, care, custody and control of the minor children hereinabove named, shall be reposed in Ruth E. Wallace.

5. That during the time custody is reposed in the said Ruth E. Wallace, Irvin V. Wallace shall have rights of reasonable

C. G. C.

visitation.

6. That during the period that custody is to be reposed in Ruth E. Wallace, if she is to be out of Baldwin County, Alabama, for two (2) consecutive nights or more, then the children shall remain with the said Irvin V. Wallace, during her period of absence, if he is at that time, residing in Baldwin County.

7. The said Irvin V. Wallace shall pay to Ruth E. Wallace the sum of Twenty Dollars ($20.00) per week for the maintenance of said minor children, during the period when they are in her custody and control, and in addition thereto, see that they are provided with adequate clothing, and shall pay any extraordinary medical expenses.

8. The minor children hereinabove named shall remain in the jurisdiction of this Court, and not be removed therefrom, without order of the Court.

9. The said Irvin V. Wallace shall not be required to pay alimony or support to or for the said Ruth E. Wallace.

WITNESS the hands and seals of the parties hereto on this the 14th day of October, 1959.

Ruth E. Wallace SEAL

Irvin V. Wallace SEAL

STATE OF ALABAMA

BALDWIN COUNTY

I, C. G. Chason, a Notary Public in and for said County in said State, hereby certify that IRVIN V. WALLACE, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me on this the 14th day of October, 1959.

C. G. Chason

Notary Public, Baldwin County
State of Alabama

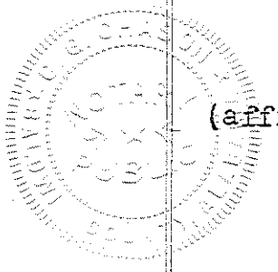
C. G. C. (affix Seal)

STATE OF ALABAMA

BALDWIN COUNTY

I, C. G. Chason, a Notary Public in and for said County in said State, hereby certify that RUTH E. WALLACE, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me on this the 14th day of October, 1959.



(affix Seal)

Notary Public, Baldwin County
State of Alabama

C. G. C.

RUTH E. WALLACE, Complainant,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
IRVIN V. WALLACE, Respondent.	)	IN EQUITY

ANSWER and CROSS-BILL

Comes your Respondent, Irvin V. Wallace, and in answer to the Complaint hereto filed in said cause, shows unto this Honorable Court as follows:-

1. Respondent admits the allegations of the first Paragraph of the Bill of Complaint.

2. Respondent admits that he and the Complainant were married on, to-wit, December 14, 1946, and admits that he and the Complainant are separated and do not again expect to live together as husband and wife, but denies each and every other allegation of the second Paragraph of the Bill of Complaint, and demands strict proof thereof.

3. Respondent admits that there was born of this marriage three (3) children, Ruth Ann Wallace, age 11 years, Mary Jane Wallace, age 10 years, and John Andrew Wallace, age 6 years, and denies each and every other allegation of the third Paragraph of the Bill of Complaint and demands strict proof thereof.

4. Respondent admits that he is an able bodied man and able to support his minor children, but denies each and every other allegation of the fourth Paragraph of the Bill of Complaint and demands strict proof thereof.

5. Respondent admits that he has had the children of this marriage in his custody and control on various occasions, but denies each and every other allegation of the fifth Paragraph of the Bill of Complaint and demands strict proof thereof, and further shows unto the Court that the Complaintnt is the person who has taken the children outside the Jurisdiction of this Court.

The Respondent, having answered the allegations of the Bill of Complaint, now shows unto this Honorable Court the following:

6. That he and the Complainant, Ruth E. Wallace, are both

over the age of twenty-one years and are both residents of Baldwin County, Alabama, although she has been recently cohabiting with another man outside of the State of Alabama.

7. Respondent and Cross-Complainant further shows unto the Court that he and the said Ruth E. Wallace were married on, to-wit, December 14, 1946, and that there was born of this marriage three children, namely, Ruth Ann Wallace, 11 years of age, Mary Jane Wallace, 10 years of age, and John Andrew Wallace, 6 years of age.

8. Respondent and cross-Complainant further shows unto the Court and avers and alleges that Ruth E. Wallace has committed and been guilty of adultery with diverse parties and persons whose names are to your Complainant are unknown, and further, that the said Ruth E. Wallace has been living as man and wife with a person whose name is known to your Respondent and Cross-Complainant, and has with him committed adultery.

9. Your Respondent and cross-Complainant further shows unto the Court that he is a fit and proper person to have the care, custody and control of the minor children of this marriave vested in him, and that the said Ruth E. Wallace is not a fit and proper person to have the care and costody of the minor children of this marriage.

10. Your Respondent and cross-Complainant further shows unto the Court that heretofore your HONor has made and rendered an Order wherein it was indicated that the Complainant and cross-Respondent believed that your Respondent and Cross-Complainant would remove the minor children of this marriage outside the Jurisdiction of this Court. Respondent and Cross-Complainant further shows unto the Court that the said Ruth E. Wallace is the person who removed said minor children without the Jurisdiction of this Court, and that they are now within the Jurisdiction of the Court, and in the Custody of your Respondent and Cross-Complainant, in that they were found living with the said Ruth E. Wallace and another man in an apartment which was not to their best interest.

11. Respondent and Cross-Complainant shows unto the Court that the Complainant and Cross-Respondent will again remove the said minor children from the Jurisdiction of this Court, unless

restrained, and Respondent and Cross-Complainant further shows in this connection that the Complainant and Cross-Respondent has secreted herself without the Jurisdiction of this Court, in an attempt to avoid a Judicial decision as to the Custody and control of the said minor children.

WHEREFORE, THE PREMISES CONSIDERED, your Respondent and Cross-Complainant prays that process may be served upon the Complainant and Cross-Respondent in accordance with the Rules of this Court and the Statutes in such cases made and provided; that your Honor will pendente Lite restrain and enjoin the said Complainant and Cross-Respondent from removing or allowing anyone to remove with her knowledge and consent the said minor children from the Jurisdiction of this Court, and that upon a final hearing hereof, he be granted a divorce from the said Complainant and Cross-Respondent, and that he be granted the care, custody and control of the said minor children, and that he be granted such other, further, general and different relief to which he may be entitled and as in duty bound he will ever pray.

Respondent and Cross-Complainant

Solicitor for Respondent and Cross-Complainant

extra copy

ANSWER AND CROSS-BILL

RUTH E. WALLACE,
Complainant,

-vs-

IRVIN V. WALLACE,
Respondent.

()()()()()()()()()()()()()()()()()

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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FILED
OCT 9 1959
ALICE J. DUCK, CLERK, REGISTER

RUTH E. WALLACE WALKER	X	
Complainant,	X	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
vs.	X	IN EQUITY
IRVIN V. WALLACE,	X	CASE NO. 4624
Respondent,	X	

This being the day regularly set by the Court for the hearing of this petition, and the Complainant, along with her Attorney, Harry J. Wilters, Jr. appeared before the Court and the Respondent appearing not. The Court, having heard the testimony of the Complainant, is of the opinion that the relief prayed for in the petition should be granted;

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the Complainant be awarded the custody of the children, Ruth Ann Wallace, Mary Jane Wallace and John Andrew Wallace, during the present term of school in Baldwin County, Alabama, and that the Respondent should not interfere with the custody of the children, nor remove them from the jurisdiction of this Court.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Respondent, Irvin V. Wallace, should be taxed with the cost of this proceeding, for which let execution issue.

Done this the 20th day of April, 1966.

Telfair J. Mashburn

Telfair J. Mashburn, Circuit Judge

9

RUTH E. WALLACE,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
IRVIN V. WALLACE,	X	IN EQUITY
Respondent.	X	CASE NO. 4624

This being the day regularly set for the hearing in this cause and the Respondent having moved the Court for a continuance, the Court is of the opinion that the continuance should be granted.

It is, therefore, ORDERED, ADJUDGED and DECREED that this matter shall be continued until 9:00 a.m., on the 30th day of June, 1966.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Respondent, Irvin V. Wallace, pay to the Complainant, Ruth E. Wallace, the sum of $30.00 per week for support and maintenance of their children pendente lite.

Done this the 30th day of May, 1966.

Telfair J. Mashburn

Telfair J. Mashburn, Circuit Judge

RUTH E. WALLACE,	X	
		IN THE CIRCUIT COURT OF
Complainant,	X	
		BALDWIN COUNTY, ALABAMA
vs.	X	
		IN EQUITY
IRVIN V. WALLACE,	X	
		CASE NO. 4624
Respondent,	X	

This cause coming on to be heard upon the verified petition of the Complainant, Ruth E. Wallace, and she and the Respondent, Irvin V. Wallace, appearing in open Court, entered into an agreement to modify a prior decree of this Court concerning the care, custody and control of their minor children, Mary Jane Wallace and John Andrew Wallace. The parties hereto also agree as to the amount of back support owed by the Respondent to the Complainant for the said children, and also as to future support to be paid by the Respondent to the Complainant for said support and maintenance. The Court having participated in the negotiation of said agreement, and it is of the opinion that it is to the best interest of the children and the said parties, and therefore, at the request of the said parties the Court does hereby enter the following decree:

1.

It is ORDERED, ADJUDGED and DECREED by the Court that the Respondent pay to the Complainant the sum of $250.00 for which the Respondent is in arrear for the support and maintenance of their minor children.

2.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainant is hereby awarded the permanent care, custody and control of Mary Jane Wallace and John Andrew Wallace, and that the Respondent shall have the right to have the children visit him, if they choose, at all reasonable times and places during the summer months and holidays.

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3.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Respondent pay to the Complainant the sum of $30.00 per week beginning July 1, 1966, and each week thereafter for the support and maintenance of their minor children. The Complainant shall provide Medical Insurance for the said children from the aforesaid money.

4.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Respondent pay to Harry J. Wilters, Jr., Attorney, the sum of $75.00, for services rendered in this matter.

5.

It is further ORDERED, that the Respondent, Irvin V. Wallace, be charged with the cost of these procedings, for which let execution issue.

Done this 30th day of June, 1966.

Jofair A. Marshburn
Circuit Judge

4624

Ruth Wallace (Walker)
vs
Irvin V. Wallace

RUTH E. WALLACE,	X	
		IN THE CIRCUIT COURT OF
Complainant,	X	
		BALDWIN COUNTY, ALABAMA
vs.	X	
		IN EQUITY
IRVIN V. WALLACE,	X	
		CASE NO. 4624
Respondent,	X	

Comes now the Complainant, Ruth E. Wallace Walker, and files this her petition to modify the Divorce Decree heretofore entered by the Court.

1.

Your Complainant shows unto Your Honor that on the 14th day of October, 1959, a Divorce Decree was rendered in this Court confirming an agreement as to the custody of the children, Ruth Ann Wallace, Mary Jane Wallace and John Andrew Wallace, and to support and maintenance to be paid by the Respondent to the Complainant. According to the terms of the agreement the said children were to be in the custody of the Respondent during the school term, and in the summer the custody was to be in your Complainant. The terms of the agreement provided that the Respondent was to pay to the Complainant TWENTY DOLLARS ($20.00) a week for the support and maintenance of the said children while in her custody. Your Complainant alleges that the reason for this agreement was that the children were in school in Baldwin County, Alabama, and did not want to go to school in Louisiana, where your Complainant was moving.

2.

Complainant alleges that since the awarding and aforementioned Divorce Decree, Ruth Ann Wallace, one of the children has married.

3.

Your Complainant shows unto the Court that the children have been living with your Complainant since September

of 1965, in Baldwin County, Alabama; and that she and her husband, Floyd Walker, intend to make Baldwin County their permanent residence. Further that the Respondent has not paid your Complainant any support and maintenance for said children since September of 1965.

4.

The Complainant alleges that the children have expressed a desire that they be placed in the permanent care, custody and control of their mother, the Complainant. Complainant alleges that she and her husband, Floyd Walker, are fit and proper people to have the care, custody and control of the children, and that they are ready, able and willing to provide the children with a good home, and that they do have an adequate home for them to live in.

5.

Complainant alleges that the Respondent is an able bodied man who is working regularly and is earning over $800.00 a month.

6.

That it was necessary for her to employ Attorneys at Law to bring this action, and that she did employ the firm of Wilters & Brantley to represent her in these proceedings and that she is unable to pay them for their services.

7.

The Complainant alleges further that she is afraid that the Respondent will try to remove the children from the State of Alabama, out of the jurisdiction of this Court, into the State of Louisiana.

WHEREFORE, the Premises considered, your Complainant prays that this Honorable Court will take jurisdiction of this

Petition; that it will fix a date for hearing this Petition; that a copy of this Petition be served upon the Respondent, Irvin V. Wallace; that upon a hearing of this Petition, Your Honor will make and enter an order, judgment and decree giving your Complainant, Ruth E. Wallace Walker, the permanent care, custody and control of the said children, Mary Jane Wallace and John Andrew Wallace; that your Honor will order and decree that your Complainant shall have temporary custody of the said children awaiting a final disposition of this matter. Petitioner further prays that Your Honor will ascertain and determine a reasonable amount for the Respondent to pay your Complainant for the support and maintenance of the two children, Mary Jane Wallace and John Andrew Wallace. Petitioner prays that your Honor will ascertain and determine a reasonable attorneys fee for the firm of Wilters & Brantley to be paid by the Respondent for their services rendered in this action. Your Petitioner prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive, as in duty bound, she will ever pray.

Ruth E. Wallace Walker
Ruth E. Wallace Walker

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Harry J. Wilters Jr., a Notary Public, in and for said County, and State, personally appeared Ruth E. Wallace Walker, whose name is signed to the foregoing Petition and who is known to me and who, being first duly and legally sworn, deposes and says: "I have read the foregoing petition and the facts alleged therein are true and correct.

Further deponent says not.

Ruth E. Wallace Walker
Ruth E. Wallace Walker

Sworn to and subscribed before me this 20th day of April, 1966.

FILED
APR 27 1966
ALICE J. DIX, CLERK
REGISTER

Harry J. Wilters Jr.
Notary Public, State of Alabama at Large

RUTH E. WALLACE WALKER	X	
		IN THE CIRCUIT COURT OF
Complainant,	X	
		BALDWIN COUNTY, ALABAMA
vs.	X	
		IN EQUITY
IRVIN V. WALLACE	X	
		CASE NO. 4624
Respondent	X	

The Court having read the sworn petition of the Complaina,t it is of the opinion that it would be to the best interest of the minor children of the said Complainant and Respondent, Mary Jane Wallace and John Andrew Wallace, that the Court issue a temporary order, pending a hearing upon said petition, that said Respondent Irvin V. Wallace, shall not remove, from the jurisdiction of this Court, the said minor children; and that the care, custody and control of the said children shall be in the Complainant, Ruth E. Wallace Walker, pending a hearing on this matter.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Petition and prayers contained therein be set for a hearing before the Court on the 30th day of May, 1966.

Done this 21st day of April, 1966.

Telfair J. Mashburn

Telfair J. Mashburn, Circuit Judge

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CASE NO. 4624

RUTH E. WALLACE,

Complainant,

vs;

IRVIN V. WALLACE

Respondent,

FILED
APR 27 1966
ALICE L. DUCK, CLERK
REGISTER

Wilters & Brantley,
Attorneys

July Shows

Received 21 day of April 1966
and on 22 day of April 1966
I served a copy of the within Petition
on Irvin V. Wallace

By service on Irvin V. Wallace

TAYLOR WILKINS, Sheriff
By J M Eosthum D. S.
Bon Secour, Ala.

Sheriff claims 86 miles at
Ten Cents per mile Total $ 8.60
TAYLOR WILKINS, Sheriff
By J M Eosthum
DEPUTY SHERIFF

RUTH E. WALLACE WALKER	X	IN THE CIRCUIT COURT OF
Complainant	X	BALDWIN COUNTY, ALABAMA
vs	X	IN EQUITY
IRVIN V. WALLACE	X	CASE NO. 4624
Respondent	X	

Comes now the Complainant in the above styled cause and petitions Your Honor to restrain the Respondent from removing their three minor children from Baldwin County, Alabama during the present school term. Complainant shows unto the Court that on the 14th day of October, 1959, this Honorable Court rendered a decree divorcing the Complainant and the Respondent and by agreement between the parties, which was made part of the decree, the Respondent was awarded custody of the children for and during the school term. However, subsequent to that time your Complainant remarried and moved to the State of Louisiana, and that the Respondent remarried and moved to Louisiana. Complainant further shows unto the Court that on the 1st day of June, 1961, the District Court of Plaquemines Parish, Louisiana, rendered a decree whereby your Complainant was awarded the custody of the children during the school term and the Respondent was given custody during vacation period; that later decree has been in full force and effect since that time, and that your Complainant has placed the children in school regularly since the decree. Complainant shows unto the Court that said minor children were in school in Louisiana on the 9th day of September, 1965, when the hurricane Betsy entered that area; further that the school and home in which they were living has been filled with water, mud and other debris, and that it will be several months before they can return to their home or place the children in school again; that your Complainant has

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rented a home in Gulf Shores, Alabama, for her and the children, and that she has placed the children in the Public School at Foley, Alabama. That she has relatives living here and that in her opinion it will be to the best interest of the children to remain in school in Baldwin County, Alabama, for this term. That the Respondent has threatened to take the children back to Louisiana, and that your Complainant feels it will be harmful to them if he does so.

The PREMISES CONSIDERED, your Complainant prays that the Respondent, Irvin V. Wallace, be made a part Defendant to this cause requiring him to appear and plea, answer or demur to this petition within the time prescribed by the Statutes of Alabama, and that your Honor issue a temporary order restraining the Respondent from removing from Baldwin County, Alabama, pending a hearing on this matter, their minor children, Ruth Ann Wallace, Mary Jane Wallace and John Andrew Wallace; that Your Honor will, upon a hearing hereof, grant an order awarding to the Complainant, during the school term, the custody of the said children and directing the Respondent not to interfere with their education herein Baldwin County, Alabama, during this term of school. Should the Complainant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief to which she shall be entitled and as in duty bound she will ever pray.

Ruth E. Wallace Walker

Ruth E. Wallace Walker, Complainant

FILED

SEP 27 1965

ALICE L. WICK, CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Pearlie B. Robinson, a Notary Public, in and for said County in said State, personally appeared Ruth E. Wallace Walker, who is known to me, and who after being by me first duly and legally sworn, did depose and say under oath as follows:

That she is the Complainant in the above styled cause and all of the matters and facts alleged therein are true and correct.

Ruth E. Wallace Walker
Ruth E. Wallace Walker

Sworn to and subscribed before me on this the 27th day of September, 1965.

NOTARY PUBLIC

FILED
SEP 27 1965
WM. L. DUNN, CLERK
REGISTER

Pearlie B. Robinson
Notary Public,

RUTH E. WALLACE WALKER	X	
		IN THE CIRCUIT COURT OF
Complainant	X	
		BALDWIN COUNTY, ALABAMA
vs	X	
		IN EQUITY
IRVIN V. WALLACE	X	
		CASE NO. 4624
Respondent	X	

DECREE

The Court having read the sworn petition of the Complainant, it is of the opinion that it would be to the best interest of the minor children of the said Complainant and Respondent, Ruth Ann Wallace, Mary Jane Wallace and John Andrew Wallace, that the Court issue a temporary order, pending a hearing upon the said petition, that said Respondent Irvin V. Wallace, shall not remove, from the jurisdiction of this Court, the said minor children; and that the care, custody and control of the said children shall be in the Complainant, Ruth E. Wallace Walker, pending a hearing on this matter.

September 27, 1965

Jefferson J. Madsbury
Circuit Judge

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

Circuit Court, Baldwin County

STATE OF ALABAMA
BALDWIN COUNTY

No. 4624

.....TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Irvin V. Wallace

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against.....

Irvin V. Wallace ....., Respondent ~~Defendant~~.....

by Ruth E. Wallace Walker .....

..... Complainant ~~Plaintiff~~.....

Witness my hand this 27 day of Sept 19 65

Alice J. Duck Clerk

No. 4624 Page.....

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Ruth E. Wallace Walker

Plaintiffs

vs.

Irvin V. Wallace

Defendants

1. SUMMONS AND COMPLAINT
2. ~~Order~~

FILED

Filed ..... 19.....

SEP 27 1965

..... Clerk

10-5-65 CLERK REGISTER

Subject lives in Bell Chase, La. — left this AREA About 2 wks. ago.
JM Eastman
Deputy Sheriff.

Wilters & Brantley
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
Bon Secour Ala.
c/o Willard Parker

RECEIVED
SEP 27 1965
Received in Office

TAYLOR WILKINS
SHERIFF
..... 19.....

..... Sheriff

I have executed this summons

this 27th DEC 19 65

by leaving a copy with

Irvin V. Wallace

Ten Cents per mile Total ..... miles at ..... Dollars

TAYLOR WILKINS, Sheriff
By ..... DEPUTY SHERIFF

Returned ..... day of ..... 19.....

Not found in my county after diligent search and inquiry

Taylor Wilkins Sheriff
By ..... Deputy Sheriff

Taylor Wilkins ..... Sheriff

JM Eastman ..... Deputy Sheriff

Bon Secour, Ala.