

(3793)

DIVORCE DECREE

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The State of Alabama, Baldwin County  
CIRCUIT COURT, IN EQUITY

Frank Batley, Complainant  
vs.  
Grace Burton Batley, 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 Frank Batley is forever divorced from the said Grace Burton Batley for and on account of Adultery, Habitual Drunkenness and voluntary Abandonment.

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 again 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 the payment of the cost of this suit.

It is further ordered that Frank Batley the Complainant pay the cost herein to be taxed, for which execution may issue.

This 20 day of July, 1956

Hester M. Stoll  
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

Frank Batley

Complainant

vs.

Grace Burton Batley

Respondent

**DIVORCE DECREE**

*Filed 7-21-56  
Dwight J. Bennett  
Clerk*

Frank Batley

\_\_\_\_\_

\_\_\_\_\_

vs.

Grace Burton Batley

\_\_\_\_\_

\_\_\_\_\_

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 and Oral Depositions

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

*Stephen A. McFaily*  
Solicitor for Complainant

*Archie J. Duck*  
Register.

No. ....

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

Frank Babley

vs.

Grace Burton Batley

**NOTE OF TESTIMONY**

Filed in Open Court this .....

day of **FILED** ....., 194.....

**JUL 20 1956**

**ALICE J. DUCK**, Register Register.

The State of Alabama,  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

~~Frank Batley~~

Complainant

VS.

Grace Burton Batley

Respondent

I, Mrs. Lois McKinley

as Register and Commissioner in the above styled cause

have called and caused to come before me Frank Batley, Albert Lee Sawyer and Andrew Mosley

witnesses named in the Requirement for Oral Examination, on the 14 day of July 1956, at the office of Reuben F. McKinley, Attorney in Bay Minette, Alabama. and having first sworn said Witness<sup>es</sup> to speak the

truth, the whole truth, and nothing but the truth, the said Frank Batley, Albert Lee Sawyer and Andrew Mosley,

<sup>both</sup> depose and say as follows: That my name is Frank Batley. I am the Complainant in this cause. I married the Respondent on to-wit november 15, 1951 and we lived together as husband and wife until on to-wit May 12, 1955 when we seperated because of the Adultery, habitual drunkenness and voluntarily abondenment by the Respondent of my bed and board. I have seen her all hugged up in the arms of other men and get drunk and leave public bars with other men, in their arms, enough to lead a reasonable person to believe that adultery has been and is being committed. Since her marriage to me she has become a habitual drunkard, drunk more that she is sober. On to-wit May 12, 1956 Respondent voluntarily abandoned my bed and board without fault on my part and has remained away voluntarily and continuously since that time. I am a bona fide resident of Baldwin County, Alabama and have been for more than fifteen years next preceding. The Respondent is a bona fide resident of Mobile County, Alabama. Both of us are over the age of 21 years. There are no children as fruits of this marriage and no property to be divided.

Frank Batley

That my name is Albert Lee Sawyer. I know both the Complainant and the Respondent in this cause. I know that they married on to-wit November 15, 1951 and lived together as husband and wife until on to-wit May 12, 1955 when they seperated because of the adultery, habitual drunkenness and voluntary abondonment of the Complainant by the Respondent. I know that the Respondent goes on drinking parties with other men enough to lead a reasonable person to believe that adultery has been and is being committed. I know that since her marriage to the Complainant, Respondent has become addicted to habitual drunkenness and the use of alcoholic beverages and that on to-wit May 12, 1955 Respondent voluntarily abandoned the bed and board of the Complainant and has remained away voluntarily and continuously since that time. I also know that the Complainant is a bona fide resident of Baldwin County, Alabama and has been for more than fifteen years next preceding and that the Respondent is a bona fide resident of Mobile County, Alabama. Both parties are over the age of 21 years. There are ~~xxx~~ no children as fruits of this marriage and no property to be divided.

Albert Lee Sawyer

FILED  
JUL 20 1956  
ALICE J. DUCH, Register

ORAL EXAMINATION

I, Mrs. Lois McKinley, 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 Reuben F. McKinley, Attorney

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof 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 14 day of July, 1956

Mrs. Lois McKinley (L.S.)

No. ....	Page 1	
<b>The State of Alabama</b> Baldwin County.		
<b>In Circuit Court, In Equity</b>		
Complainant	vs.	Respondent
<b>Oral Deposition</b>		
Filed .....	Recorded in .....	Register .....
Vol. ....	Page .....	Record .....
Register		

That my name is Andrew Mosely. I know both the Complainant and the Respondent in this cause. I know that they married on to-wit November 15, 1951 and lived together as husband and wife until on to-wit May 12, 1955 when they seperated because of the adultery, habitual drunkenness and voluntary abandonment of the Complainant by the Respondent. I know that the Respondent goes on drinking parties with other men enough to lead a reasonable person to believe that adultery has been and is being committed. I know that since her marriage to the Complainant, Respondent has become addicted to habitual drunkenness and the use of alcoholic beverages and that on to-wit May 12, 1955 Respondent voluntarily abandoned the bed and board of the Complainant and has remained away voluntarily and continuously since that time. I also know that the Complainant is a bona fide resident of Baldwin County, Alabama and has been for more that fifteen years next preceding and that the Respondent is a bona fide resident of Mobile County, Alabama. Both parties are over the age of 21 years. There are no children as fruits of this marriage and no property to be divided.

Andrew H. Mosely

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: Mrs. Lois McKinley

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 Frank Batley, Albert Lee Sawyer and Andrew Moseley

as witnesses in behalf of the Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Frank Batley

is, Complainant  
and Grace Burton Batley

is Respondent

on oath, to be by you administered, upon Frank Batley, Albert Lee Sawyer and Andrew Moseley to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 13 day of July, 1956

Alvin J. Blount  
Register.

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_



No. \_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

Frank Batley

Complainant—

vs.

Grace Burton Batley

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Mrs. Lois McKinley

WITNESSES:

Albert Lee Sawyer

Andrew Moseley

Frank Batley  
Complainant  
vs  
Grace Burton Batley  
Respondent

\*\*\*\*\*

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

Now comes the Respondent and accepts service of the summons and complaint in this cause.

The Respondent admits the allegations as to ages, marriage and residence, but denies all other allegations contained in the bill of complaint, 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.

Grace Burton Batley

STATE OF ALABAMA  
BALDWIN COUNTY

I, Graham Sullivan, a Notary Public, in and for said County, in said State, hereby certify that Grace Burton Batley, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 28 day of June, 1956.

Graham Sullivan  
Notary Public, Baldwin County, Alabama.  
Mobile

STATE OF ALABAMA  
COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Grace Burton Batley, to appear and plead, answer or demur within thirty days from the service hereof to the bill of complaint filed in Circuit Court of Baldwin County, Alabama in Equity by Frank Batley as Complainant and against Grace Burton Batley as Respondent.

Witness my hand, this the 19 day of May 1956.

Wince J. Duck  
Register

Frank Batley	§	In the Circuit Court of
Complainant	§	Baldwin County, Alabama
vs	§	In Equity
Grace Burton Batley	§	
Respondent	§	

To the Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama.

Your Complainant, Frank Batley, respectfully represents unto your Honor and this Honorable Court as follows:

1.

Your Complainant is a bona fide resident of Baldwin County and over the age of twenty-one years; has been a bona fide resident of Baldwin County, Alabama for more than one year next preceeding the filing of this bill; that the Respondent is over the age of twenty-one years and her residence is Mobile County, Alabama.

2.

That your Complainant and Respondent married at Lucedale, Mississippi, on to-wit November 15, 1951 and lived together as husband and wife until on to-wit, May 12, 1955.

3.

That on to-wit May 12, 1955, and on several occasions prior and subsequent thereto, the Respondent did commit adultery with divers persons, the names of whom are unknown, drinking and carousing with them and taking them to her room.

4.

That on to-wit, May 12, 1955, the Respondent voluntarily abondened the bed and board of the Complainant without fault on the part of the Complainant and has remained away voluntarily and continuously since that time.

5.

That the Respondent has since her marriage to the Complainant become addicted to habitual drunkenness and use of alcohol.

6.

That there are no children as fruits of this marriage and no property to be divided.

7.

Wherefore, the premises considered, your Complainant prays that your Honor will by proper procedure make the said Grace Burton Batley party Respondent to this Bill of Complainant, requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by Law and the practices of this Honorable Court.

Your Complainant further prays that upon a final hearing hereof, Your Honor will grant to him an absolute divorce, forever barring the bonds of matrimony existing between your Complainant and Respondent and your Complainant prays for such other, further, different or general relief as he may be in Equity and good conscience entitled to receive.

*Paul F. Gately*  
Solicitor for the Complainant.

302  
6-19  
MO. 3793 (21)

Received Sheriff's Office  
this 19 day of May 1956  
TAYLOR WILKINS, Sheriff

Frank Batley  
Complainant

vs

Grace Burton Batley  
Respondent

(269 S. Hamilton St.  
Mobile, Alabama)

21x  
Dn (8)

The Sheriff claims 8  
miles at 10¢ per mile for  
a total of \$ 80  
Ray Bridges, Sheriff  
Mobile County, Alabama

Summons and Complaint

EXECUTED

This 21 day of June, 1956  
by serving a copy of the within on  
Grace Burton Batley  
RAY D. BRIDGES, Sheriff  
By G. Bridges D. S.

FILED  
MAY 19 1956

ALICE L. DEAN, Register