

41645

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

WILLIAM ATCHISON, Complainant

vs.

MARY ANNIE ATCHISON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint ~~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 William Atchison is forever divorced from the said Mary Annie Atchison for and on account of

Voluntary Abandonment:

It is further ORDERED, ADJUDGED AND DECREED, that the Complainant, William Atchison, be and he is hereby awarded the care, custody and control of the minor children, namely: William Burman, age 16 years, and Mary Virginia, age 15 years.

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 payment of the cost of this suit.

It is further ordered that William Atchison the Complainant pay the cost herein to be taxed, for which executed may issue.

This 18. day of June 19 57

9 Hubert M. ... Judge Circuit Court, In Equity.

I, Alice J. ... 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 57

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**

JUN 18 1957

ALICE L. BUCK, Register

WILLIAM ATCHISON,  
Complainant,

-vs-

MARY ANNIE ATCHISON,  
Respondent.

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

NO. \_\_\_\_\_

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, SITTING IN EQUITY:

Comes the Complainant and shows unto this Honorable Court  
and unto the Honorable Judges thereof as follows:

ONE

Complainant is the husband of the Respondent and they were  
married to each other on November 24, 1950 in Bay Minette,  
Alabama. Both the Complainant and the Respondent are each over  
the age of twenty-one years. The Complainant is a bona-fide  
resident citizen of the State of Alabama and he has been such  
for more than one year next preceding the filing of the Bill  
of Complaint herein. *There is no record of child of Alabama. Ann is sister*  
There are two children born of their  
marriage, William Burman, age sixteen years and Mary Virginia  
age fifteen years. Said children live and reside with the  
Complainant and he is a fit and proper person to be granted  
their custody and control.

TWO

The Respondent voluntarily abandoned the bed and board of  
the Complainant for more than one year next preceding the filing  
of the Bill of Complaint herein.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction  
of this cause, will make the said <sup>Mary Annie</sup> ~~WILLIAM~~ Atchison, party-  
respondent hereto, and will cause her to appear, plead, answer  
or demur hereto within the time allowed by law and the rules of  
this Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that your honors will see fit to grant him an absolute divorce from the bonds of matrimony with the Respondent, and that he will be awarded the custody and control of their two minor children, and Complainant further prays for such other, further and different relief as in equity he may be due, and as in duty bound he will ever pray, etc.

*William J. Gannon*  
SOLICITOR FOR COMPLAINANT.

FILED

JUN 5 1957

ALICE J. DUCK. Register

WILLIAM ATCHISON

Complainant,

Vs.

MARY ANNIE ATCHISON

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN  
~~XXXXXXXX~~ COUNTY, ALABAMA

IN EQUITY

NO. \_\_\_\_\_

ANSWER AND WAIVER

Comes the Respondent in the above entitled cause and for answer to the Bill of Complaint herein admits the allegations as to the ages, residences and marriage and denies the other allegations of said Bill of Complaint and demands strict proof thereof.

Respondent agrees that the testimony in this cause may be taken by deposition on oral examination, and waives notice of the time and place of the taking of such testimony and agrees that this cause may be submitted for final decree at any time. Respondent waives all notices to which he or she may be entitled by law in this cause. Respondent agrees that Peggy Preston may take the testimony in this cause as commissioner, without the issuance of a commission.

ATTEST:

1. \_\_\_\_\_

2. \_\_\_\_\_

*Mrs Mary Annie Atchison*  
RESPONDENT

Complainant agrees that Peggy Preston may take the testimony in this cause as commissioner, without issuance of a commission.

*William H. Houghton*  
SOLICITOR FOR COMPLAINANT.

Note: The Space below is intended for "Agreements Between the Parties"

Respondent hereby agrees that the Complainant should be granted the custody and control of their two children, William Burman, age sixteen years and Mary Virginia Atchison, age fifteen years.

Respondent hereby waives and releases the Complainant from all claims of alimony and support, both temporary and permanent.

*Mrs Annie Atchison*  
Respondent  
*William Houghton*  
Complainant *Solicitor for*

STATE OF TEXAS

COUNTY OF DALLAS

Before me, the undersigned authority, in and for said State and County personally appeared the above named Respondent, whose name is signed to the foregoing instrument, and who was made known to me, acknowledged before me this day, that being informed of the contents of the instrument, said Respondent executed the same voluntarily on the day same bears date.

Witness my hand and seal this 10<sup>th</sup> day of JUNE 1957.

Filed in Registers Office

1957

W. ELSWORTH HAUGHTON, REGISTER

*Victor L. Oddo*  
NOTARY PUBLIC  
(Please affix official seal)  
VICTOR L. ODDO  
NOTARY PUBLIC

*Atcherson*

*and*

*Warner*

RECORDED



FILED

JUN 14 1957

ALICE A. DUCK, Clerk *[Signature]*

~~JUN 11 1957~~

WILLIAM ATCHISON  
No.....VS  
MARY ANNIE ATCHISON

Entered on.....  
Min. Book No..... Entry.....  
~~W. R. Lucas~~ Register

**ORDER OF SUBMISSION**

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

**NOTE OF EVIDENCE**

At the hearing of this cause the following note of evidence was taken to wit:

**FOR COMPLAINANT**

1. Bill of Complainant.
2. Answer and Waiver
3. Testimony of William Atchison and of W. R. Lucas, witness for the Complainant.

FILED.....6-15-57.....

*Dee J. Lucas* Register

*William Atchison*  
Solicitor—for Complainant

**FOR RESPONDENT**

.....  
Solicitor—For Respondent

No.....

Vs.

**ORDER OF SUBMISSION  
NOTE OF EVIDENCE**

Filed **FILED**  
.....  
JUN 15 1957  
..... Register  
**ALICE J. DECK, Register**  
Ent. Min. No..... Entry.....



C E R T I F I C A T E

I, Peggy Preston, the commissioner named in an agreement contained in that certain cause now pending in the Honorable Circuit Court of ~~Mobile~~ Baldwin County, County, Alabama, Sitting in Equity, wherein WILLIAM ATCHISON is Complainant, and MARY ANNIE ATCHISON is Respondent, under and by virtue of the power conferred upon me by said agreement as such commissioner, caused the said WILLIAM ATCHISON and the said W. R. LUCAS, who were made known to me, to come before me at 2:00 o'clock, P.M., on June 14th, 1957, at Room ~~903~~ 65 St. Emanuel Street ~~National Bank Building~~ Mobile, Alabama; that said witnesses were first duly sworn by me as stated; that they were then examined by Mr. William Grayson, Solicitor for Complainant, and they testified in response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near as might be identical language of the said witnesses, and that, after said testimony had been so reduced to writing, it was by me read over to the said witnesses, who assented to and signed the same in my presence and in the presence of said Solicitor for Complainant.

I further certify that I am not of counsel of or kin to any of the parties to the said cause, and am not in anywise interested in the result thereof.

Witness my hand this 14th day of June 1957

  
COMMISSIONER

TESTIMONY OF WILLIAM ATCHISON, WITNESS ON HIS OWN BEHALF:

I am the Complainant in this cause and I am the husband of the Respondent. They Respondent and I were married to each other on November 24, 1940 in Bay Minette, Alabama. Both myself and the Respondent were each over the age of twenty-one years at the time of the filing of the Bill of Complaint herein. I am a bona-fide resident citizen of the State of Alabama and I have been such for more than one year next preceding the filing of the Bill of Complaint herein. The Respondent is a resident of Texas. There are two minor children as issue of our marriage, William Burman Atchison, age sixteen years and Mary Virginia Atchison, age fifteen years. Said children live and reside with me at 256 S. Royal Street, Mobile, Alabama, and I am a fit and proper person to be granted their custody and control. The Respondent voluntarily abandoned my bed and board for more than one year next preceding the filing of the Bill of Complaint herein. The Respondent and I were living at 1828 Richardson Avenue, Dallas, Texas when she left me. She told me that she didn't care for me anymore that she wanted to be free to go with whom she pleased, and that she wasn't going to live with me again and she left. I saw the Respondent on the streets in Texas several times after that but I have not seen nor heard from the Respondent since we separated which has been more than a year next preceding the filing of the divorce herein. I came to Alabama to live shortly after our separation and the Respondent never came to live with me, she has failed and refused to live with me in any respect as man and wife since she abandoned me more than a year ago.

William Atchison

TESTIMONY OF W. R. LUCAS, WITNESS ON BEHALF OF THE COMPLAINANT.

My name is W. R. Lucas, and I live and reside at 609 Charleston Street, Mobile, Alabama. I have known both the Complainant and the Respondent in this cause for approximately two years. The Complainant is the husband of the Respondent and they were married to each other on November 24, 1940 in Bay Minette, Alabama. Both the Complainant and the Respondent were each over the age of twenty-one years at the time of the filing of the Bill of Complaint herein. The Complainant is a bona fide resident citizen of Mobile County, Alabama and has been such for more than one year next preceding the filing of the Bill of Complaint herein. The Respondent is a resident of the State of Texas. There are two children as issue of their marriage, William Burman Atchison, age sixteen years and Mary Virginia Atchison, age fifteen years. Said children live and reside with the Complainant at 256 S. Royal Street, Mobile, Alabama and I think that he is a fit and proper person to be granted their custody and control. The Respondent voluntarily abandoned the bed and board of the Complainant for more than one year next preceding the filing of the Bill of Complaint herein. As I said before I have known the Complainant for more than a year, and he has not lived with the Respondent, nor she with him in any respect as man and wife since she abandoned <sup>him</sup> which has been more than one year next preceding the filing of the Bill of Complaint herein. I see the Complainant quite frequently and I think that I would know if he lived with the Respondent. I also know the Complainant's general reputation in the community in which he lives and works for truth and varsity and it is good. I would believe what he tolé me whether he ~~was~~ was under oath or not.

W. R. Lucas