(4342)

CHASON & STONE ATTORNEYS AT LAW BAY MINETTE, ALABAMA

JOHN CHASON NORBORNE C. STONE, JR.

PHONE 3641

September 10, 1958

Mrs. Alice J. Duck, Register Circuit Court of Baldwin County Bay Minette, Alabama

Dear Mrs. Duck:

Re: Louise D. Nelson vs. Authell R. Nelson

Case Number 4342

Our client has requested that we dismiss the above suit without prejudice and we would appreciate it if you would have that order entered on the Equity docket. You advised us that the court costs now due amounted to \$9.00. You will find enclosed herewith a check payable to you in that amount.

Yours very truly,

CHASON & STONE

JC:bw

Encl: As Noted

STATE OF ALABAMA

IN THE CIRCUIT COURT - IN EQUITY

BALDWIN COUNTY

TO ANY SHERIFF IN THE STATE OF ALABAMA:

You are hereby commanded to summon Authell R. Nelson 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 Louise D. Nelson, as Complainant against Authell R. Nelson, as Respondent.

Witness my hand on this the ______day of August, 1958.

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LOUISE D. NELSON, Complainant,	X	IN THE CIRCUIT COURT OF
vs.	¥	BALDWIN COUNTY, ALABAMA
	X	IN EQUITY
AUTHELL R. NELSON,	Ĭ	IN DOCUME
Respondent.	I	

Comes your complainant, Louise D. Nelson, and files this her suit for separate maintenance and support and for custody and support of her minor child and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama, residing at Fairhope, Alabama. That she has been a resident citizen of this County since 1945. That the Respondent was a resident citizen of Baldwin County, Alabama, until August of 1957 when he became a resident citizen of the State of Texas, residing at Houston, Texas. Complainant does not know the present street address of the Respondent.

SECOND:

Your Complainant and the Respondent were married on heretofore, to-wit: February 22, 1949, and lived together as man and wife
until sometime during the year 1957. The Respondent left Baldwin
County, Alabama, in the month of August, 1957, to go to Texas for
employment there and your Complainant visited the Respondent in Houston in September, 1957, and lived with him at that time as man and
wife for about three days.

THIRD:

The Respondent has not paid the Complainant any money for her support or for the support of their minor child hereinafter referred to within the last year. The Complainant did not know that the Respondent had abandoned her until January of 1958 when he informed her that he did not expect to return or live with her as man and wife. The Complainant is not employed and has no means of supporting her-

self and her child and the Respondent is an able bodied seaman and is now employed by the Keystone Shipping Company of Philadelphia, Pennsylvania, as Second Assistant Engineer at a salary of approximately Six Hundred Fifty Dollars (\$650.00) per month. Your Complainant is informed and believes that the Respondent will soon have a promotion and will then receive approximately One Thousand Dollars (\$1,000.00) per month.

FOURTH:

There was born of the marriage of the Complainant and the Respondent a daughter, Maria Reed Nelson, a girl who was three years of age on February 7, 1958, which child is in the custody of your Complainant in Fairhope, Alabama. Your Complainant does not own any property except the home in which she is living in Fairhope and does not have any money, bonds or personal property sufficient for her support or for the support of said minor child.

FIFTH:

The Complainant is informed and believes that the Respondent will soon dock in Mobile, Alabama, and will be there for a short period of time, at which time service of process may be had upon him. Should the Respondent fail to enter the port of Mobile it will be necessary that service be had upon him by publication, his postoffice address in Houston being unknown to your Complainant except for contact through his union. Your Complainant further shows unto this Court that she has employed Chason & Stone, Attorneys at Law, Bay Minette, Alabama, as her Solicitors to prosecute this cause and that she is unable to pay a reasonable attorney's fee for their services, which fee should be paid by the Respondent in an amount to be ascertained and fixed by this Court.

PRAYER FOR PROCESS AND RELIEF

The premises considered your Complainant prays that the above named Authell R. Nelson 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; should your Complainant be unable to get service upon the Respondent in this matter Your Complainant prays that a notice by publication in a newspaper once a week for four successive weeks be had as required by the laws of the State of Alabama, for service upon non-resident Defendants. Your Complainants prays that upon a final hearing of this cause that she be awarded custody of the minor child and the Respondent be required to pay a reasonable amount each month for the support and maintenance of such child, and that said Respondent shall be required to pay your Complainant a reasonable amount each month for her own maintenance and support. That such Respondent shall also be required to pay a reasonable Solicitor's fee to Chason & Stone as Solicitors for the Complainant. Your complainant prays for such other, further and general relief to which she may be entitled and as in duty bound she will ever pray.

Source Delson Complainant

CHASON & STONE Solicitors for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Slanche White, a Notary Public, in and for said County in said State, personally appeared Louise D. Nelson, 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 her name is Louise D. Nelson and that she is the Complainant in the above styled cause; that she signed the foregoing Bill of Complaint and all of the matters and facts alleged therein are true and correct.

Sauce D. Melan

Sworn to and subscribed before me this the <u>U.H.</u> day of August, 1958.

Notary Public, Baldwin County, Alabama

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

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THE STATE OF ALABAMA

BALDWIN COUNTY

In Circuit Court, In Equity

__John Singleton

Complainant

vs.

- Mamie Singleton

Respondent

DIVORCE DECREE

AUG 18 1958
AUGE 1. DOCK, Rogister

JOHN SINGLETON.

VS.

Complainant

MAMIE SINGLETON,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY No.

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND THE THE HONORABLE HUBERT M. HALL, JUDGE THEREOF:

Now comes your complainant, John Singleton, and files this Bill of Complaint for divorce against Mamie Singleton, and shows unto your Honor and unto this Honorable Court as follows:

I

That your complainant is a resident of the State of New York, residing at 1774 Pacific Street, Brooklyn 13, New York, and is over the age of 21 years; the respondent is a bona fide resident of the State of Alabama, and lives now at Montrose, in Baldwin County, and has so resided since 1940, and is over the age of 21 years.

II

That your complainant and the respondent were married heretofore, on to-wit: March 11, 1936, in Mobile County, Alabama, and lived together as man and wife until February 27, 1940, when the respondent abandoned their residence at 254 South Washington Street, Mobile, Alabama, and never returned to the house which the complainant maintained for her. That complainant did not consent to said removal by the respondent and that he gave her no sufficient reason to abandon his bed and board. The respondent informed the complainant that she would never return, and has so abandoned the complainant for more than two years next preceding the filing of this bill of complaint. The complainant continued to live in Mobile, Alabama, until the year, 1945.

III

That no children were born as a result of the marriage alleged in Paragraph II of this bill of complaint.

PRAYER FOR PROCESS

The premises considered, your complainant respectfully prays that the above named Mamie Singleton be made a party Respondent to this cause by the usual writ or process of this Honorable Court requiring her to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of the Court and the Statutes in such case made and provided.

PRAYER FOR RELIEF

The premises considered, your complainant respectfully prays that upon the final hearing of this cause that your Honor will enter an order divorcing your complainant from the respondent; that your Honor will also enter a decree allowing the complainant to remarry if he sees fit. Should your complainant be mistaken in the relief prayed for, that there be granted to him such other, further and different relief to which he may be entitled and as in duty bound, he will ever pray.

Complainant ingleton

J. Connor Owens, Jr.
Solicitor for Complainant

JOHN SINGLETON,

Complainant

Vs.

MAMIE SINGLETON,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO.

ANSWER AND WAIVER

Comes now the respondent, Mamie Singleton, and for answer to the Bill of Complaint heretofore filed against her, says as follows:

- 1. That she denies each and every allegation of the said Bill of Complaint and demands strict proof thereof.
- 2. That the respondent hereby accepts service of a copy of the Bill of Complaint and notice of the filing of said Complaint, and hereby waives any further notice to her of the day set for hearing, the taking of testimony or the submission for final decree of the above styled cause and does hereby consent that the same may be submitted and testimony taken without further notice to her.

Mamil Singleton
Respondent

Sworn to and subscribed to before me this the // day of _____, 1958.

Notary Fublic



John Singleton Complement	IN THE CIRCUIT COURT OF
Complainant,	BALDWIN COUNTY, ALABAMA
VS.	IN EQUITY.
Mamie Singleton	· NO
Respondent.)

DEMAND FOR ORAL EXAMINATION.

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Johr	n Singleto	n and	Clarence	Sing	leton	, 		
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2. That sa	id complainar	nt requir	es an oral	examin	ation of	said v	vitnesses k	pefore a c
2. That samissioner appoint	_		:		111.01	J.C	vitnesses k	u,Si
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BT-6-40-500

DEMAND FOR ORAL EXAMINATION.

John Singleton

Complainant,

Mamie Singleton

Respondent.

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

Filed this 2.2 day of June,

Additional Register.

Cetter to

THE STATE OF ALABAMA, Baldwin County.

CIRCUIT COURT

TO: Anne B. Ower	as <u> </u>	· .				·	
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THE STATE OF ALABAMA Baldwin County

Baldwin County		
CIRCUIT COU	RT	
John Singleton		
Co	mplair	nant-
vs.		1
Mamie Singleton		
	Defen	dant-
COMMISSION TO TAKE DE	POSIT	ION
COMMISSIONER	-	:
Anne B. Owens		
; WITNESSES:		
John Singleton		
Clarence Singlet	OTT	

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama (In Equity)

	John Singleton		Complainant	
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have called and caused to co	ne before me J	ohn Singleton		
and Clarenc	e Singleton			
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witnesses_named in the Re		ination, on the 22_	_day of June	
19.58, at the office of				
inBay Minet to	, Alabama, a	nd having first sworn	said Witness 🖴 🕏	i to speak the
truth, the whole truth, and		•• t	Singleton	
and Clarence Sing				

My name is John Singleton, and I am a resident of the State of New York, living at 1774 Pacific Street, in Brooklyn 13, New York. I am 50 years of age. My wife, Mamie Singleton, is living in Montrose, Baldwin County, Alabama, and is about 48 years old. My wife has lived in Montrose since February, 1940. We were married in March 11, 1936, in Mobile, Alabama, and lived together as husband and wife in Mobile, Alabama, at 254 South Washington Street, Mobile, until February 27, 1940, when she packed up all of her belongings and took her furnithre and moved to Montrose. I didn't do anything to make her leave at that time. She just liked another boy better than she did me. I contacted her and asked her to return to Mobile, and she said that she wasn't ever coming back. I continued to live in the house for awhile, and then gave it up, and moved into the house with my mother in Mobile, Alabama. In 1945, I moved to the State of New York. I did not consent to my wife's leaving me, but there was nothing that I could do about it. We did not have any children, and we owned no property. She has been gone for more than two years before I filed this suit.

My name is Clarence Singleton and I am a brother to the complainant, John Singleton. I live at 2609 Mill Street in Mobile, Alabama, and I am 43 years of age. I remember when John Married Mamie, and I remember her leaving John. I don't remember the exect date, but it was in 1940 sometimes. I know that John did nothing to her to cause her to leave. I know she took part of the furniture when she left. John continued to live thethe house for while, and then moved out. He did not consent to his wife's leaving and wanted her to come back, but she never did. She has been living in Montrose since about 1940.

lalarere Singleton

	e presidente de la companya de la c
I, Anne B. Owens	, as Register and Commissioner hereby certify
that the foregoing deposition Son Oral Examination	was taken down by me in writing in the words
	they signed the same in the presence of myself
and J. Connor Owens, Jr.	
and 5.	
at the time and place herein mentioned; that I have p	ersonal knowledge of personal identity of said wit-
ness <u>es</u> or had proom made before me of the identity	of said witness_95; 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.
	Control of the Contro
I enclose the said Oral Examination in an enve	lope to the Register of said Court.
O: 22	day of June , 1958.
Given under my hand and seal, this2_2	
	Anne B. Owens (L.S.)
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Johr	n Singleton	
		THE STATE OF ALABAMA
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	vs.	
Mami	ie Singleton	
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No.	300

THE STATE OF ALABAMA Baldwin County

IN EQUITY Circuit Court of Baldwin County

John Singleton

vs.

Mamie Singleton

NOTE OF TESTIMONY

Filed in Open Court this

day of .

e francek Register.

Printed By The Baldwin Times

EMANUEL CLIKAS

PETITIONER

VS

HERNDON H. WILSON, Recorder of the City of Mobile, Alabama,

RESPONDENT

Circuit Judge

emanuel clikas	(
FETITIONER	IN THE CIRCUIT COURT OF
	BALDWIN COUNTY, ALABAKA,
VS	Q AT LAW
HERNDON H. WILSON, Recorder of the City	no 4344
of Mobile, Alabama,	Ŷ
RESPONDENT	Č

Upon reading and considering the verified Petition or Complaint for Mandamus, it is my opinion that the Petitioner or Plaintiff is entitled to the issuance of the Alternative Writ of Mandamus as therein prayed.

The Clerk will, therefore, issue an alternative Writ of Mandamus as prayed for in said petition returnable to the Circuit Court of Baldwin County, Alabama, at A.M. on the Agree day of August, 1958.

Done this 18th day of August, 1958.

I helest h 2 tels—
Circuit Judge

MANDAMUS

EMANUEL CLIKAS	Ŏ
PETITIONER	IN THE CIRCUIT COURT OF
VS	BALDWIN COUNTY, ALABAMA, AT LAW
HERNDON H. WILSON, Recorder of the City	4344
of Mobile, Alabama,	\(\)
RESPONDENT	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT:

Comes now Emanuel Clikas and respectfully represents and shows unto Your Honor as follows:

1.

That your Petitioner owns and operates a business in Baldwin County, Alabama, known as the Jubilee Restaurant.

2.

That the City of Mobile is a municipal corporation; that It's corporate limits or "city limits" lie wholly in the bounds of Mobile, County, Alabama.

3.

That your Petitioner was tried before the Honorable Herndon H. Wilson, Recorder of the City of Mobile, Alabama, on August 1, 1958, for violation of Section 8 of the License Code of the City of Mobile adopted December 24, 1954, by doing business of restaurant or cafe or lunch or sandwich stands within the police jurisdiction of the City of Mobile without having procured a license therefor.

40

That your Petitioner was found guilty of the above said offense in the Recorder Court and from this finding your Petitioner has made an appeal; that he made a bond in the amount set by the said Recorder. That the Recorder, Herndon H. Wilson, refused to accept and approve this bond solely because it was made returnable to the Circuit Court of Baldwin County, Alabama.

5.

Your Petitioner shows unto the Court that the cause tried by the Recorder is criminal in its nature and that he is entitled to be tried in the county where the offense occurred. Your Petitioner further avers that the City of Mobile maintains that it has police jurisdiction of the area in Faldwin County where the Petitioner's business, known as the Jubilee Restaurant, is located. Assuming the position of the City of Mobile to be true, your Petitioner should be tried in the Faldwin County Court. Title 37, Section

239

587 of the 1940 Code of Alabamazas amended provides: "Where the city is situated within two or more counties, the appeal shall lie to the Circuit Court of the county where the transaction involved in the case took place .

WHEREFORE, the premises considered, Your Petitioner respectfully prays that your Honor will grant an alternative Writ of Mandamus or a rule nisi, directed to Herndon H. Wilson, as Recorder for the City of Mobile, Alabama, returnable to the Circuit Court of Baldwin County, Alabama, ordering and commanding the said Herndon H. Wilson as such recorder to forthwith approve the appeal bonds made by Emanuel Clikas or to appear at a time to be designated by Your Honor and show cause why he should not do so; and your Petitioner prays for such other further or different relief, orders and judgments to which he may be entitled under the facts above alleged.

BY: & Oller m B ra

STATE OF A LABAMA

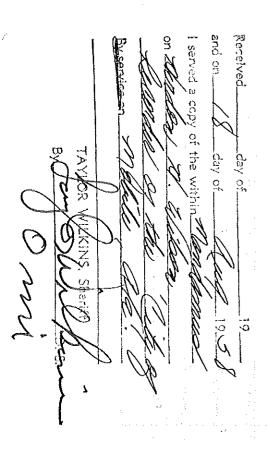
BAIDWIN COUNTY

Before me, Evelyn Watts, a Notary Public, in and for said County, in said State, personally appeared Tolbert M. Brantley, one of the attorneys for Emanuel Clikas, whose name is signed to the foregoing petition and who is known to me, and who upon oath deposes and says that the facts stated in said petition are true and correct and that he is authorized to make this affidavit.

Sworn to and subscribed before me this 6th day of August, 1958.

I aller M Brande

Motary Fublic, Baldwin County,



RIGNUEL CLIKAS

PETITIONER

VS.

HERMDON H. WILSON, RECORDER OF THE CITY OF HOBILE, AIA.

RESPONDEM

MANDANUS

FILED AUG 6 1958

ALTERNATIVE WRIT OF MANDAMUE

TO HERNDON H. WILSON, RECORDER OF THE CITY OF MEBBILE, ALABAMA:

Whereas Emanuel Clikas has filed in this Court and presented to the Honorable Hubert M. Hall, a petition for an Alternative Writ of Mandamus commanding and ordering, as is hereinafter set forth, and the said Judge of said Court has ordered the issuance of the Alternative Writ so prayed for:

Witness my hand this ____ day of ___

,1958.

Clerk of the Lircuit Court.

STATE OF ALAEAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA GREEFINGS:

You are hereby commanded to serve a copy of the foregoing Alternative Writ of Mandamus on Herndon H. Wilson, Recorder of the City of Mobile, Alabama.

Witness my hand this 14 day of Mus

__,1958.

Clerk of the Circuit Court of Saldwin County, Alakama.

E.f. leag- 18, 1958

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