

4395

Betty Sue Sawyer, Individually,
and Betty Sue Sawyer, a Minor,
Suing by Her Father and Next
Friend, William H. Sawyer,
Complainant

Vs.

Wallace Patrick Ewing,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

This cause now being submitted for final decree upon the pleadings and proof as noted by the Register, and the Court being satisfied therefrom that the averments of the Bill of Complaint are true, and that the Complainant is entitled to the relief therein prayed:

It is, therefore, considered, ordered, adjudged, and decreed by the Court that the purported marriage between Betty Sue Sawyer and Wallace Patrick Ewing on the eighteenth day of January, 1958, at Robertsdale, Alabama, be and the same is hereby annulled, and declared for naught, and that the said Betty Sue Sawyer and Wallace Patrick Ewing be and they are hereby judicially ascertained to be not legally married to each other but to be single persons.

It is further considered, ordered, adjudged and decreed by the Court that the complainant pay the costs in this cause incurred, for which let execution issue.

Done this the 7 day of ~~September~~ ^{October}, 1958.

Hubert M. Hester

Judge

I, Alice J. Duck, 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 September, 1958.

Register of Circuit Court, In Equity.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Betty Sue Sawyer, Individually and Betty Sue Sawyer,
a minor, suing by her father and next friend, William H. Sawyer
Complainant

VS.

Wallace Patrick Ewing Respondent

I, Carol Evonne Webster

as Register and Commissioner

have called and caused to come before me Betty Sue Sawyer and William H. Sawyer

witness es named in the Requirement for Oral Examination, on the 7th day of October
1958, at the office of Carol Evonne Webster
in Foley, Alabama, and having first sworn said Witness es to speak the
truth, the whole truth, and nothing but the truth, the said Betty Sue Sawyer and
William H. Sawyer doth depose and say as follows: in the presence of Forest
A. Christian, Guardian ad litem for the respondent:

My name is Betty Sue Sawyer Ewing. I was born and have always lived in Baldwin County, Alabama. I am now 16 years old. Wallace Patrick Ewing is eighteen years old and is a resident of Baldwin County, Alabama. I went through a marriage ceremony with Wallace Patrick Ewing at Robertsedale, Alabama, on January 18, 1958. I was Fifteen years old and he was seventeen years old. Wallace Patrick Ewing told me and led me to believe that he had a job and could support a wife. After our marriage he then told me that he did not have a home for us or a job to support us but that we would have to live with his folks or mine. He did not have any prospects for a job by which he could support a wife. I did not live with him after our marriage and we did not ever enter into any marriage relationship. I have been living with my parents and he has been living with his.

Betty Sue Sawyer Ewing

My name is William H. Sawyer. I am a resident of Baldwin County, Alabama. Betty Sue Sawyer is my daughter. She is now sixteen years old. She entered in to a marriage ceremony with Wallace Patrick Ewing in Roberstdale, Ala. on January 18, 1958. Before this ceremony, Wallace Patrick Ewing came to my house on a number of occasions and led me and Betty Sue to believe that he had good prospects for making a living in the future and that he had a job and could support a wife and family. Immedietly after the marriage ceremony I found out that he ~~is~~ did not have a job or a place for himself and a wife to live. He din't even have prospects for a job whereby he could support a wife and himself. Betty Sue came back to live with me as always and William Patrick Ewing went to live with his folks. They have not lived together as man and wife at all.

William H Sawyer

ORAL EXAMINATION.

I, Carol Yvonne Webster, as Register and Commissioner hereby certify that the foregoing deposition—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 Carol Yvonne Webster

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proom made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 7th day of October, 1958.

Carol Yvonne Webster (L. S.)

NO. 4395 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed _____, 1958

FILED

OCT 17 1958
MRS. J. BROWN, REGISTER, CLERK

Record _____

Vol. _____ Page _____

_____, Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: *Carol Yvonne Webster*

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine

*Betty Sue Sawyer Ewing
William H. Sawyer*

a witness in behalf of *Complainant* in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein

Betty Sue Sawyer

, Complainant

and

Wallace Patrick Ewing

Respondent

on oath, to be by you administered, upon *them*
to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness *7* day of *Oct*, 195*8*
Alvin J. [Signature]
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. ~~42241~~

4/2/95

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

VS.

Complainant

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

Betty Sue Sawyer, Individually
and Betty Sue Sawyer, a Minor

Suing by Father and Next Friend
William H. Sawyer.

Complainant

vs.

William Patrick Ewing

Respondent

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____

~~Acceptance of Service by respondent and father and next friend.~~

~~Nomination of Guardian ad litem, appointment of Guardian ad~~

~~litem, answer of Guardian ad litem, appointment of commissioner~~

~~to take oral depositions of complainants witnesses, Oral Deposition
of Complainant's witnesses.~~

Arthur E. Johnson
Attorney for the Complainant

and in behalf of Defendant upon _____

William H. Sawyer
Guardian ad litem & attorney for
Respondent

George J. Buck
Register.

No. A 395

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this **FILED**

day of **OCT 7** 19**58**, 194

ALICE J. DUCK CLERK
REGISTER
Register.

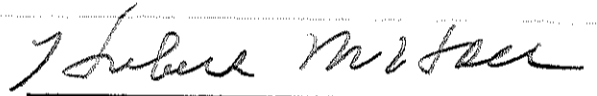
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Betty Sue Sawyer, Individually,)
and Betty Sue Sawyer, a Minor,)
Suing by Her Father and Next)
Friend, William H. Sawyer,)
Complainant)
Vs.)
Wallace Patrick Ewing,)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

In this cause it is made to appear to the court by the averments of the bill of complaint that the respondent, Wallace Patrick Ewing, is an infant over the age of fourteen years and of the age of to-wit: eighteen years; and it further appears that a summons on the bill of complaint in this cause was served upon Wallace Patrick Ewing on the 7th day of October, 1958; and it further appears that there has been nominated in writing by the said Wallace Patrick Ewing to act as guardian ad litem for him Forrest A Christian, an attorney at law; and it now appearing that Forrest A. Christian is in all respects a suitable person to act as guardian ad litem for said infant, and the said Forrest A. Christian having filed his consent in writing to act as such; it is now, thereupon, ordered by the Court that the said Forrest A. Christian, be, and he hereby is, appointed guardian ad litem, in this cause, for said infant respondent.

Dated 7 day of October, 1958.



Judge of Circuit Court

Betty Sue Sawyer, Individually,)
and Betty Sue Sawyer, a Minor,)
Suing by her Father and Next)
Friend, William H. Sawyer)
Complainant)


IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

VS.)

Wallace Patrick Ewing)
Respondent)

Comes the respondent, Wallace Patrick Ewing, by his attorney and guardian ad litem, Forest A. Christian, who has been duly appointed as guardian ad litem for the said Wallace Patrick Ewing, and for answer to the bill of complaint, hereto filed in this cause, says as follows:

1. He denies each and every material allegation contained in the bill of complaint, and requires and demands proof of the same.


Guardian Ad Litem for the
Respondent, Wallace Patrick
Ewing.

Betty Sue Sawyer, Individually,)
and Betty Sue Sawyer, a Minor,)
Suing by her Father, and next)
Friend, William H. Sawyer,)
Complainant)
VS.)
Wallace Patrick Ewing,)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY


Comes the respondent WALLACE PATRICK EWING, a minor of
the age of to-wit: Seventeen years and nominates as his
guardian ad litem in this case, Forest A. Christian, Attorney
at Law, Foley, Alabama, and requests that the Court appoint
the said Forest A. Christian, as guardian ad litem for him to
defend this cause.

Wallace Patrick Ewing

Betty Sue Sawyer, Individually,)
and Betty Sue Sawyer, a Minor,)
Suing by Her Father, and Next)
Friend, William H. Sawyer,)
Complainant)
Vs.)
Wallace Patrick Ewing,)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes Forrest A. Christian and accepts appointment as guardian ad litem for Wallace Patrick Ewing, a minor, and as such guardian ad litem denies the allegations of the bill and demands strict proof thereof.



Wallace Patrick
Ewing
As Guardian ad Litem for _____

Betty Sue Sawyer, Individually,)
and Betty Sue Sawyer, a Minor,)
Sueing by her Father and Next)
Friend, William H. Sawyer,)
Complainant)
VS.)
Wallace Patrick Ewing,)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the respondent, Wallace Patrick Ewing, Individually,
and as a minor, and O. B. Ewing, Sr., as Father and next friend
of Wallace Patrick Ewing and accepts service of the bill of
complaint heretofore filed in this cause.

Wallace Patrick Ewing

O. B. Ewing Sr.

Betty Sue Sawyer, Individually,)
and Betty Sue Sawyer, a Minor,)
Suing by Her Father and Next)
Friend, William)
H. Sawyer)
Complainant)
)
Vs.)
)
Wallace Patrick Ewing)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Comes your complainant, Betty Sue Sawyer, individually, and Betty Sue Sawyer a minor suing by her father and next friend, William H. Sawyer, and respectfully represents and shows unto your Honor as follows:

1. That the said Betty Sue Sawyer is a minor of the age of, to-wit, 16 years, having been born on, to-wit, March 14, 1942, and that her father and next friend is William H. Sawyer, who is over the age of 21 years; that both she, the said Betty Sue Sawyer and the said William H. Sawyer, are resident citizens of Baldwin County, Alabama; that the respondent, Wallace Patrick Ewing, is a minor of the age of, to-wit, 18 years, having been born on, to-wit, May 25, 1940, and that the said Wallace Patrick Ewing is a resident of Baldwin County, Alabama, and has no guardian.

2. That on, to-wit, the 18th day of January, 1958, the said Betty Sue Sawyer and Wallace Patrick Ewing, with the knowledge and consent of the parents of either of them secured a marriage license and a marriage ceremony was performed in the town of Robertsdale, Alabama, purporting to unite the said Betty Sue Sawyer and Wallace Patrick Ewing in marriage.

3. That since their said purported marriage the said Betty Sue Sawyer and Wallace Patrick Ewing have not lived together as man and wife, nor in any way recognized each other as such.

4. Oratrix further avers that she was induced to consent to said marriage by fraud or misrepresentation in the following matters: That said respondent led your oratrix to believe that he was well able to support a wife and was making a salary or wages of an amount sufficient to support your oratrix, which said facts were not true, said respondent being wholly unable to support a wife and wholly unemployed. That said respondent also promised oratrix and represented to oratrix that he could furnish a home or place for him and oratrix to live as man and wife, and after said marriage oratrix learned for the first time that the respondent was unable to provide a place or home for them to live as man and wife; that in addition to the above and foregoing, that said respondent also misrepresented to oratrix his prospects for an increase in his wealth and position.

The premises considered, your complainant makes party defendant to this bill of complaint the said Wallace Patrick Ewing, and prays that service may be had upon him in the manner required by law, and that a guardian ad litem may be appointed by this Honorable Court to defend this bill in his behalf, and upon a hearing hereof your complainant prays that this Honorable Court may annul and declare for naught the said purported marriage and may adjudge, and decree that the said Betty Sue Sawyer and Wallace Patrick Ewing are not legally married but are single persons, and your complainant prays that she may have such other, further or different relief as in equity she may be entitled.


Solicitor for Complainant.