

4860

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARY LILLIE ROBERTS, Complainant

vs.

JOHN WESLEY ROBERTS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Personal Service 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 Mary Lillie Roberts is forever divorced from the said John Wesley Roberts for and on account of cruelty.

It is further Ordered, Adjudged and Decreed by the Court that the Complainant be and she hereby is awarded the care, custody and control of Thomas Wesley Roberts subject to right of the Respondent to visit said child at reasonable hours and reasonable intervals; and the Respondent is hereby ordered to pay to the Complainant the sum of Ten Dollars (\$10.00) per week for the maintenance, support and education of said minor child.

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 Respondent pay the cost herein to be taxed, for which executed may issue.

This 30th day of May 1960

Robert M. Hall 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.

FILED MAY 2 60 ALICE J. DUCK, CLERK REGISTER

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

*m*

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

MARY LILLIE ROBERTS,

JOHN WESLEY ROBERTS,

vs.

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, Personal service on Respondent, Motion For Decree Pro Confesso, Decree Pro Confesso and Testimony of Mary Lillie Roberts and Mrs. Lillie Hadley

and in behalf of Defendant upon

CURSON & STONE  
By: *Melba U. Stone*

*Becky Duck*  
Register.

*me*

No. 4860.....

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

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

Roberts

vs.

Roberts

**NOTE OF TESTIMONY**

Filed in Open Court this 3<sup>rd</sup>.....

day of May....., 1960.....

Beice-Jenck  
Register.

ALABAMA COURTS REPORTERS ASSOCIATION

THE STATE OF ALABAMA,  
Baldwin County

No. 4860

Circuit Court, In Equity.

MARY LILLIE ROBERTS,

Complainant...

Vs.

JOHN WESLEY ROBERTS,

Defendant....

Motion is hereby made for a Decree Pro Confesso against John Wesley Roberts

Defendant.....

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant..

has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 26<sup>th</sup> day of April 19 60

CHASON & STONE

By: [Signature]

Solicitor.

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, In Equity

Mary Lillie Roberts

Vs.

John Wesley Roberts

Motion for Decree Pro Confesso on  
Personal Service

Filed \_\_\_\_\_ 19 \_\_\_\_\_

**FILED**  
APR 26 1960

ALICE J. DUCK, Register Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

MARY LILLIE ROBERTS,  
Complainant,  
Vs.  
JOHN WESLEY ROBERTS,  
Respondent.

In the Circuit Court.  
In Equity No. 4860.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent \_\_\_\_\_

John Wesley Roberts

by the Sheriff of Baldwin County, on the 3 day of March,  
19~~4~~60

And it further appears to the Register, that that the said John Wesley Roberts

\_\_\_\_\_ the Respondent, having to the date hereof,  
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,  
on motion of Chason & Stone Solicitors  
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,  
and it hereby is, in all things taken as confessed against the said John Wesley Roberts

This \_\_\_\_\_ day of April, 19460

*[Signature]*  
Register.

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

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

Complainant,

Vs.

Respondent.

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE.**

Issued this \_\_\_\_\_ day of \_\_\_\_\_  
194\_\_\_\_.

Register.



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 John Wesley Roberts 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 Mary Lillie Roberts as Complainant, against John Wesley Roberts, as Respondent.

Witness my hand this the 26 day of ~~January~~<sup>February</sup>, 1960.

*Alice J. Duck*  
Register

*Exp 3-3-60*

MARY LILLIE ROBERTS,	Y	
Complainant,	Y	IN THE CIRCUIT COURT OF
vs.	Y	
	Y	BALDWIN COUNTY, ALABAMA
JOHN WESLEY ROBERTS,	Y	
Respondent.	Y	IN EQUITY
	Y	

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

Comes your Complainant, the undersigned Mary Lillie Roberts, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant is a minor fifteen years of age and resides with her mother in Baldwin County, Alabama, where she has resided all of her life. That the Respondent John Wesley Roberts is over the age of twenty-one years of age and a resident citizen of Baldwin County, Alabama.

SECOND:

That your Complainant and the Respondent were married on to-wit: April 21, 1958, in Leaksville, Mississippi, and they lived together as man and wife until to-wit: November 26, 1959, when, on ac-

count of the matters hereinafter complained of your Complainant was compelled to leave the Respondent and return to the home of her mother, Mrs. Lillie Hadley, in Rabun, Baldwin County, Alabama.

THIRD:

That on, to-wit: November 26, 1959, the Respondent hit your Complainant with his fist and knocked her over a chair and assaulted her with a knife and committed actual violence upon the person of your Complainant attended with danger to her life and health, And your Complainant further alleges that from the conduct of the Respondent she has reasonable apprehension that if she continued to live with him that he would commit further actual violence upon her person with danger to her life and health.

FOURTH:

That there was born to your Complainant and the Respondent one child, Thomas Wesley Roberts, who is now fifteen months old and who is in the care and custody of your Complainant. That your Complainant is a fit and proper person to have the care, custody and control of said minor child and the Respondent is not a fit and proper person to have the care, custody and control.

FIFTH:

That the Respondent is an abled bodied man and is gainfully employed by his father and earns approximately Fifty Dollars (\$50.00) per week at his employment. That your Complainant has no money or property of her own out of which to employ an attorney to represent her in this proceeding and she has employed the firm of Chason & Stone, Attorneys at Law, Bay Minette, Alabama, to represent her herein.

PRAYER FOR PROCESS

The premises considered, your Complainant respectfully prays that this Honorable Court will, upon the filing of this Bill of Complaint, cause its usual writ of process to issue directed to the Respondent and requiring him to plead, answer or demur to this Bill of Complaint within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

The premises considered your Complainant further prays that upon a final hearing of this cause that this Honorable Court will enter its order or decree forever divorcing your Complainant from the Respondent for and on account of cruelty and will, in and by the terms of said decree award to your Complainant the complete care, custody and control of the minor child, Thomas Wesley Roberts, born to the Complainant and Respondent and will further require the Respondent to pay to your Complainant a reasonable sum each week for the care and support of said child. And your Complainant further prays that in and by the terms of said decree that this Honorable Court will fix and determine a reasonable attorneys fee to be paid to Chason & Stone, for their services and will require the Respondent to pay said amount. And your Complainant prays for such other, further and different relief as in the premises will be meet and proper.

Respectfully submitted,

Mary Lillie Roberts  
Mary Lillie Roberts, Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Nathorne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared Mary Lillie Roberts, 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 Mary Lillie Roberts and she is a minor fifteen years of age, the wife of John Wesley Roberts. That she has read the foregoing Bill of Complaint and signed the same and the facts alleged therein are true and correct.

Mary Lillie Roberts  
Mary Lillie Roberts

Sworn to and subscribed before me on this 21 day of January, 1960.

FILED

FEB 26 1960

ALICE J. DUCK, Register

Nathorne C. Stone, Jr.  
Notary Public, Baldwin County, Alabama

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: Blanche White, Bay Minette, Alabama

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 *Mary Lillie Roberts and Mrs. Lillie Hadley*

Witness in behalf of *Complainant* in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein *Mary Lillie Roberts* is

, Complainant

and *John Wesley Roberts* is

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 *26<sup>th</sup>* day of *April*

, 1960

*Alice J. Luck*  
Register

Commissioner's Fee, \$

Witness' Fees, \$

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

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**STATE of ALABAMA**  
Baldwin County

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**CIRCUIT COURT**

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Mary Lillie Roberts

Complainant

vs.

John Wesley Roberts

Defendant

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**COMMISSION TO TAKE DEPOSITION**

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COMMISSIONER:

WITNESSES:

MARY LILLIE ROBERTS  
Complainant,  
VS.  
JOHN WESLEY ROBERTS  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY.  
NO. 4860

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from  
Bay Minette, in the County of Baldwin

Alabama, the place of trial of said cause, to-wit: Mary Lillie Roberts and Mrs.

Lillie Hadley

2. That said complainant requires an oral examination of said witnesses before a commissioner appointed by the Register of this Court.

CHASON & STONE  
By: *Malcolm Stone*  
Solicitor for Complainant.

NOTE:

Complainant suggests the name of Blanche White  
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

CHASON & STONE  
By: *Malcolm Stone*  
Solicitor for Complainant.

DEMAND FOR ORAL EXAMINATION.

Mary Lillie Roberts  
Complainant,

Vs.

John Wesley Roberts  
Respondent.

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

Filed this 26 day of Apr.,  
1940.

W. J. Smith  
Register.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

MARY LILLIE ROBERTS, COMPLAINANT

vs.

JOHN WESLEY ROBERTS, RESPONDENT

I, Blanche White

as ~~Notary~~ Commissioner Of Baldwin County, Alabama

have called and caused to come before me Mary Lillie Roberts and Lillie B. Hadley

witness es named in the requirement for Oral Examination, on the 27th day of April,  
19 60, at the office of Chason & Stone

in Bay Minette, Alabama, and having first sworn said witness es to speak the  
truth, the whole truth, and nothing but the truth, the said Mary Lillie Roberts and

Lillie B. Hadley doth depose and say as follows:

My name is Mary Lillie Roberts and I am 15 years of age and I live with my Mother, Lillie B. Hadley in Rabon, Baldwin County, Alabama. I have lived there all of my life. My husband is John Wesley Roberts and he is 21 years of age and resides in Rabon, Baldwin County, Alabama. John Wesley Roberts and I were married on April 21, 1958 in Leaksville, Mississippi and we lived together as man and wife until November 26, 1959 when I was compelled to leave him and return to the home of my Mother. On that date John Wesley Roberts hit me with his fist and knocked me over a chair and assaulted me with a pocket knife. I know that if I continue to live with him that he would commit further violence upon me with danger to my life and health. There was born to my husband and I one child, Thomas Wesley Roberts who is now 19 months old and who is in my care and custody. I feel that I am the fit and proper person to have the care, custody and control of my said minor child and that my husband is not a fit and proper person to have such care, custody and control. My husband is an able bodied person and when working earns approximately \$50.00 per week. I have no money or property of my own and have been unable to pay my attorneys, Chason & Stone, Bay Minette, Alabama for services rendered by them.

Mary Lillie Roberts  
Mary Lillie Roberts



ORAL EXAMINATION

I, Blanche White as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and Harborne C. Stone Jr. 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 27<sup>th</sup> day of April, 1960  
Blanche White (L. S.)

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

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**IN CIRCUIT COURT, IN EQUITY**

COMPLAINANT

vs.

RESPONDENT

**ORAL DEPOSITION**

Filed **FILED** 19 \_\_\_\_\_

MAY 3 1960 Register

ALBANY RECORDED CLERK REGISTER Record

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My name is Lillie B. Hadley and I am the mother of Mary Lillie Roberts who was married to John Wesley Roberts in April of 1958 in Leaksville, Mississippi. I know that my daughter and her husband separated on or about November 26, 1959 and that she came to my home with her child at about that time. My home is located approximately 400 feet from the house where Mary Lillie and John Wesley were living up to the time of their separation and I know that at that time they had difficulties because I was able to hear the shouting and scuffling and that immediately thereafter Mary Lillie's body was bruised as if she had been struck or otherwise assaulted. My husband and I are able to provide a proper home for Mary Lillie and her minor son if she can expect some support from her husband to help us defray the additional cost. In my opinion John Wesley Roberts is not a fit and proper person to have the care, custody and control of his minor child, Thomas Wesley Roberts. I know that prior to November 26, 1959 Mary Lillie and John Wesley had difficulties during which he beat her and I feel that if she continued to live with him that he would commit further violence upon her and that her life and health would be endangered. I know that John Wesley and Mary Lillie have not lived together since November 26, 1959.

*Lillie B. Hadley*

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Lillie B. Hadley

MARY LILLIE ROBERTS,	Y	IN THE CIRCUIT COURT OF
Complainant,	Y	BALDWIN COUNTY, ALABAMA
vs.	Y	
JOHN WESLEY ROBERTS,	Y	IN EQUITY NO. 4860
Respondent.	Y	

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

Comes your Petitioner, the undersigned Mary Lillie Roberts, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That on May 3, 1960, this Honorable Court entered a decree divorcing your Petitioner from the Respondent and in and by the terms of said decree ordered the Respondent to pay to your Petitioner the sum of \$10.00 per week as support for her and her minor son born to her and the Respondent during their marriage.

SECOND:

Your Petitioner further alleges that the said John Wesley Roberts has not complied with the terms and provisions of said decree in that the last payment which she received from him was on or about July 15, 1960, and he has not paid to her any sum since that time.

WHEREFORE, the premises considered your Petitioner respectfully prays that this Honorable Court will upon the filing of this petition enter an order or decree requiring the Respondent to appear in Court and show cause, if any he has, why he should not be adjudged in contempt of this Honorable Court for his failure to comply with said terms and provisions of said decree as set forth above.

*Mary Lillie Roberts*  
\_\_\_\_\_  
Mary Lillie Roberts

OF COUNSEL:

CHASON & STONE  
Bay Minette, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public in and for said County in said State, personally appeared Mary Lillie Roberts, 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 Mary Lillie Roberts and she signed the foregoing petition; that the facts alleged therein are true and correct.

Mary Lillie Roberts

Sworn to and subscribed before me on this the 17<sup>th</sup> day of August, 1960.

Norborne C. Stone, Jr.  
Notary Public, Baldwin County, Alabama

MARY LILLIE ROBERTS,	×	IN THE CIRCUIT COURT OF
Complainant,	×	BALDWIN COUNTY, ALABAMA
vs.	×	
JOHN WESLEY ROBERTS,	×	IN EQUITY NO. 4860
Respondent.	×	

ORDER:

This day came Mary Lillie Roberts and filed her petition in writing, under oath, in which she alleges that the Respondent John Wesley Roberts has not complied with the terms and provisions of the decree of this Court entered on May 3, 1960; and the same having been called to the attention of the Court and the Court having considered the same is of the opinion that said petition should be set down for hearing and notice of the filing thereof and of the day so set should be given to the said John Wesley Roberts; it is, therefore

ORDERED and DECREED by this Court that the petition of Mary Lillie Roberts filed in this Court on August 17, 1960, be, and the same is hereby, set down for hearing on the 7 day of September, 1960, at 10:00 o'clock A. M. at the Court house in Bay Minette, Alabama.

It is futher ORDERED and DECREED by this Court that John Wesley Roberts be given notice of the filing of said petition and of the date set for the hearing of the same by service upon him of a copy of this order and that he be, and he hereby is, required to appear at said time and place and show cause, if any he has, why he should not be adjudged in contempt of this Court for his failure to comply with the terms and provisions of the decree of this Court dated May 3, 1960.

Done this the 23 day of August, 1960.

Hubert M. Stee  
Circuit Judge

MARY LILLIE ROBERTS,  
Complainant,

vs.

JOHN WESLEY ROBERTS,  
Respondent.


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⌘  
⌘

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 4860

It having been made to appear to the Court that the Respondent, John Wesley Roberts, has failed to comply with the former decree of this Court requiring him to support the minor child born to the parties to this cause during the time of their marriage; it is, therefore

ORDERED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the Sheriff of Baldwin County, Alabama, forthwith take into his custody the Respondent John Wesley Roberts and bring him before this Court to show cause, if any he has, why he should not be adjudged in contempt of this Court for failure to comply with said decree.

Done this 26th day of October, 1960.

  
Circuit Judge

F/A-15

4860

Received 27 day of Oct 1960  
and on 18 day of Jul 1960

I served a copy of the within Order  
on John Wesley Roberts

By service on John Wesley Roberts  
in jail

TAYLOR WILKINS, Sheriff  
By W. A. Albert D. S.  
Perdida

Sheriff claims 26 miles at

Ten Cents per mile Total \$ 2.60

TAYLOR WILKINS, Sheriff  
W. A. Albert  
DEPUTY SHERIFF

FILED

OCT 27 1960

ALICE J. DUCK, Register