

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

WILLIE MARTIN Complainant

VS.

FRANCES MARTIN 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 Willie Martin is forever divorced from the said Frances Martin

for and on account of Adultry

It is further ordered, adjudged and decreed by the Court that the Complainant be, and he is hereby awarded the custody, care and control of the minor children, Louis Martin and Willie James Martin.

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 Complainant the Complainant pay the cost herein to be taxed, for which execution may issue.

This 3/28 day of March, 1940

J. 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

Witness my hand and seal this the _____ day of _____, 19____

Register of Circuit Court, in Equity

No. 1266 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent

DIVORCE DECREE

Filed this _____ day of

_____, 194____


Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA - - GREETINGS:

WE COMMAND YOU, that you summon FRANCES MARTIN to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of summons, and there to plead, answer or demur without oath to a bill of complaint lately exhibited by Willie Martin, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution there, to our said Court, immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Court this the 29th day of January, 1945.


Register

WILLIE MARTIN)	
COMPLAINANT)	IN THE CIRCUIT COURT OF
)	
VS.)	BALDWIN COUNTY, ALABAMA
)	
FRANCES MARTIN)	IN EQUITY
RESPONDENT)	

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Now comes your Complainant, Willie Martin, and humbly complaining against the Respondent, Frances Martin, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both bona fide residents of the State of Alabama, and over twenty-one years of age;

2.

That the Complainant and the Respondent married at Perdido in Baldwin County, Alabama, on December 23, 1939, and lived together as husband and wife until on to-wit, December 23, 1944;

3.

That on to-wit December 23, 1944, the Respondent committed acts of adultery with a man whose name the Complainant does not know; that said acts of adultery were committed without the consent, or approval of the Complainant and that he has not condoned them.

4.

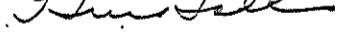
That there was born to said marriage between the Complainant and the Respondent, two children; Louis Martin, age 4; and Willie James Martin, age 3; that the Respondent, for the acts herein alleged, is not a suitable, fit, or proper person to have the care, custody and control of said children; that your Complainant is a suitable person and capable of caring and providing for the said children.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said Frances Martin party Respondent to this cause of action, requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that your Honor will, upon the hearing hereof, enter an order and decree, granting to the Complainant an absolute decree of divorce, forever barring the bonds of matrimony existing between him and the Respondent; and that he be awarded the care, custody and control of the said minor children, Louis Martin, and Willie James Martin.

Complainant further prays for such other, further, different, or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

BEEBE & HALL

By: 
Solicitors for the Complainant.

Executed on this the 2nd day of February, 1945 by serving a copy of the within summons and complaint on Frances Martin, Respondent.

J. R. Roby
Sheriff Escambia County, Ala.

*Respondent's address
Albany, Ala
with Roby's office*

SUMMONS AND COMPLAINT

WILLIE MARTIN
COMPLAINANT
VS.
FRANCES MARTIN
RESPONDENT

1266

Willie Martin.
Complainant,
Vs. Francis Martin.
Respondent.

In the Circuit Court.
In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent _____
Francis Martin.

by the Sheriff of Escambia County, on the 2nd day of February,
194 5.

And it further appears to the Register, that the said _____
Francis Martin.

_____, 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 Beebe & Hall. 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 Francis Martin.

This 19th day of March., 194 5.

Register.

No. 1266.

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.
IN EQUITY

Willie. Martin.

Complainant,

Vs.

Francis Martin.

Respondent.

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued this ___ day of 19th March,
194⁵ 5.

R S Duck.

Register.

WILLIE MARTIN

COMPLAINANT

vs.

FRANCES MARTIN

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, _____

Decree pro confesso on personal service against the Respondent;

testimony of Willie Martin, Mary Graham and S. T. Shiver.

and in behalf of Defendant upon _____

No. 1266

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 30

day of March 1935

[Handwritten Signature]

REGISTER

THE STATE OF ALABAMA, }
Baldwin County }

CIRCUIT COURT

TO Lillian Patterson

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 Willie Martin, Mary Graham, and S. T. Shiver

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

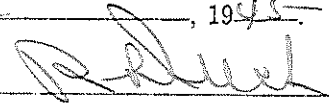
Complainant

and Frances Martin

Defendant,

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

Witness 28 day of March, 1945.



REGISTER

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

NO. _____

THE STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

Complainant _____

VS.

Defendant _____

Commission To Take Deposition

COMMISSIONER:

Witnesses:

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

WILLIE MARTIN

Complainant

VS.

FRANCES MARTIN

Respondent

I, Lillian Patterson

as ~~Register and~~ Commissioner

have called and caused to come before me Willie Martin, Mary Graham, and S. T. Shiver

witnesses named in the Requirement for Oral Examination, on the 30th day of March 1945, at the office of Beebe & Hall in Bay Minette, Alabama, and having first sworn said Witnesses to speak the truth, the whole truth, and nothing but the truth, the said Willie Martin, Mary Graham, and S. T. Shiver doth depose and say as follows:

My name is Willie Martin, I am a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age. I live at Perdido. The Respondent, Frances Martin is over twenty-one years of age and a bona fide resident of Baldwin County, Alabama.

The Respondent and I married at Perdido in Baldwin County, Alabama, on the 23rd day of December, 1939. We lived together as husband and wife, in Baldwin County, Alabama, until on to-wit December 23, 1944.

The Respondent on December 23, 1944, committed acts of adultery with various parties, whose names are not to me presently known. I suspicioned that my wife was running around with various men and got after her about it and she admitted that she was meeting these men in Atmore and was committing acts of adultery with them, but refused to tell me their names. I knew that she was committing these acts of adultery and made an effort to find out the names of the men, but was unable to do so. These acts of adultery on the part of the Respondent, were without my consent, or approval and I have not condoned them.

We have two children, Louis Martin, 4, and Willie James Martin, 3. The Respondent for the reasons herein set out, is not a suitable, fit or proper person to have the care, custody and rearing of the children.

I have a home at Perdido, where I am employed by the Louisville & Nashville R.R. Company, and I am fully capable and competent of caring for and supporting my children. The Respondent has no home, and is all the time running about from place to place and staying with various men.

The Respondent is not in the Military or Naval service of the United States.

Mary Graham, a witness for the Complainant, says: *Willie Martin*

My name is Mary Graham. I live at Perdido. I am personally acquainted with Willie Martin and Frances Martin. And have known them for the past 12 or 15 years.

It is generally known in the community of Perdido that Frances Martin has been for sometime, running around with and committing acts of adultery with various men. I have often talked with Willie Martin and know that he has not consented to, or condoned said acts of adultery, on the part of Frances Martin.

S. T. Shiver, a witness for the Complainant, says: *Mary Graham*

I live at Perdido, in Baldwin County, Alabama. I am now, and have been for the past 20 or 30 years, a deputy sheriff at Perdido, Alabama. I know Frances Martin and Willie Martin. I have, as a deputy sheriff had occasion to inquire into and make investigation as to rumors against Frances Martin. It is generally known in the colored quarters in Perdido that Frances Martin runs around with various men and meets them at Atmore.

I have known Willie Martin for the past 7 years. Willie is an honest hard working negro, and I know that he has not consented to, or condoned the acts of adultery on ~~part of Frances Martin. In fact, he has on several occasions made complaint to me~~ as an officer, and asked me to help him do something about it. I consider Willie Martin entirely competent of caring for and providing for his two children.

He lives at Perdido in a Section House belonging to the Railroad Company, with whom he is employed.

D. J. Hoover

ORAL EXAMINATION.

I, Lillian Patterson, 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 witnesses and read over to them and they signed the same in the presence of myself and H. M. Hall 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 witnesses; 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 30th day of March, 1945.

Lillian Patterson (L. S.)

NO. 12164 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed Robert B. [Signature], 1945, Register.

Recorded in

Record

Vol. _____

Page _____

, Register.