

1370

THE STATE OF ALABAMA, BALDWIN COUNTY.

Dorothy Lucille Hesse, :
 Complainant, :
 :
 vs. : CIRCUIT COURT
 : In Equity
 Florian William Hesse : At Bay Minette, Alabama.
 Defendant. :

This cause is submitted for decree on the pleadings and the testimony and evidence as shown by the note of submission on file; and on consideration it is ordered, adjudged and decreed by the Court that the Complainant is entitled to relief, and that the bonds of matrimony heretofore existing between the Complainant and the Defendant be and the same are henceforth dissolved and annulled.

It is further ordered and decreed by the Court that the Complainant and Defendant be, and hereby are, permitted to again contract marriage, subject to such provisions of the law as regulate the marriage of divorced persons, but in no event before the expiration of sixty days after the rendition of this decree.

An agreement has been entered into between the parties to this cause, which agreement is in writing and is on file in this cause, with regard to the custody, control and support of the four minor children of the marriage, which agreement is approved by the Court; and it is ordered, adjudged and decreed by the Court that the complainant have, and is hereby awarded, the custody and control of the four children born of the marriage - Elizabeth Lucille Hesse, William Carl Hesse, Florian A. Hesse and Thomas A. Hesse; and it is further ordered, adjudged and decreed by the Court that the Defendant pay to the Complainant for the support of the children, the sum of thirty five dollars a week, beginning July ly, 1945.

The Court retains jurisdiction of this cause for the purpose of making such other and further orders as to the custody, maintenance and support of the said minor children, as to the Court may seem proper.

It is further ordered that the Defendant pay the costs of this suit, for which execution may issue.

July 31st 1945

J. W. Hare
 Judge.

Dorothy Lucille Hesse
Complainant

No. 1370 vs.

Florian William Hesse
Defendant

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

FILED, 7-23-45
[Signature] Register

Bill of complaint
Answer, waiver and agreement
Deppositions of Dorothy Lucille Hesse and E. N. Bell, and Exhibit to
deposition of Dorothy Lucille Hesse

[Signature]
Solicitor for Complainant.

For Respondent

Solicitor for Respondent.

No. 1370

**Dorothy Lucille Hesse
Complainant,**

VS.

**Florian William Hesse
Defendant**

ORDER OF SUBMISSION

NOTE OF EVIDENCE

July 27 Term, 1949
_____, 19____

Ent. Min. No. _____ Page _____

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

DOROTHY LUCILLE HESSE :
Complainant. :

vs :

No. :
In Equity. :

FLORIAN WILLIAM HESSE :
Defendant. :

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

Comes Dorothy Lucille Hesse and brings this her bill of
complaint against Florian William Hesse, and shows unto this
Honorable Court,

1 - That complainant and defendant are each over 21 years of
age, and each of them is a bona fide resident and a bona fide
resident citizen of Baldwin County, Alabama, and has been such
for more than ten years next preceding the filing of this suit;

2 - That complainant and defendant were lawfully married to
one another at Foley, Alabama, on towit January 20, 1934, and
have lived together as husband and wife down to towit July 15,
1945; that on towit July 2, 1945, the defendant committed adultery
with some woman whose name is unknown to this complainant, and
that complainant has not condoned the said adultery, and that
said adultery occurred near the south end of Baldwin County,
Alabama, and below Foley, Alabama.

3 - Complainant avers that there are four children of the
marriage, all of whom are in the custody and control of this
complainant, that complainant desires the said custody and
control and is a fit and proper person to have such custody and
control, and that the defendant is not; and that the names
and ages of the said minor children are as follows: Elizabeth
Lucille Hesse, aged 10 years; William Carl Hesse, aged 8 years;
Florian A. Hesse, aged 7 years; and Thomas A. Hesse, aged 6 years.

Complainant prays that this Honorable Court will take
jurisdiction of this cause, and that process be served upon said
Florian William Hesse requiring him to plead to this bill of
complaint within the time required by law, and that upon the
hearing of this cause a decree be rendered dissolving the bonds
of matrimony absolutely, and granting to complainant the care
and custody and control of said minor children, and granting

to complainant such other relief as she may be entitled to.

Dorothy Lucile Hesse
Complainant

R. M. Smith
Solicitor for Complainant.

1370

RECORDED

Complaint

Dorothy L. Hesse

vs

Florian W. Hesse

Filed July 17-1945

~~Russell~~
~~Byler~~

of 2010-10-10 10:10:10 AM

2010-10-10 10:10:10 AM

2010-10-10 10:10:10 AM

Dorothy Lucille Hesse

Complainant,

No.

VS.

Baldwin
CIRCUIT COURT OF ~~MOBILE~~ COUNTY

IN EQUITY

Florian William Hesse

Defendant.

DEMAND FOR ORAL EXAMINATION

The State of Alabama,
Mobile County

The **Complainant**

requests the oral examination of the following named witnesses

on **her** behalf, viz: **Dorothy Lucille Hesse and E. N. Bell**

said witnesses reside in the County of **Baldwin** State of Alabama.

Birdie Bernauer who resides at **Mobile, Alabama**

is suggested at a suitable person to be appointed Commissioner to take deposition of said witnesses on such oral examination.

Filed **7-19-45**

JAMES S. DUCK, Register

Solicitor for **Complainant**

RECORDED

No. 1370

Baldwin
CIRCUIT COURT OF MOBILE COUNTY
Bay Minette
Mobile, Alabama
IN EQUITY

Dorothy Lucille Hesse

vs.

Florian William Hesse

DEMAND FOR ORAL EXAMINATION

Dorothy Lucille Hesse

Complainant

No.

vs.

Florian William Hesse

Defendant

IN THE CIRCUIT COURT OF
~~Baldwin~~ COUNTY, ALABAMA
IN EQUITY

ANSWER AND WAIVER

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

I agree that the testimony in this cause may be taken by deposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled to by law in this cause.

Florian William Hesse
Defendant

STATE OF Alabama

COUNTY OF Mobile

I, Ethel Mandeville, a Notary Public in and for said State and County, do hereby certify that Florian William Hesse, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, he executed the same voluntarily on the day same bears date.

Witness my hand and seal this 17th day of July 1945 19

Filed, 7-19-45-Roduch Ethel Mandeville
~~REGISTER~~ REGISTER. NOTARY PUBLIC
STATE OF Alabama
COUNTY OF Mobile

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

DOROTHY LUCILLE HESSE
COMPLAINANT

VS

FLORIAN WILLIAM HESSE
Defendant.

No. 1370

DEPOSITIONS of the following named witnesses, taken
by me on oral examination on behalf of the
Complainant in the above entitled cause

Dorothy Lucille Hesse

E. N. Bell

Filed July 27-1945
Robert
Ripley

The said Dorothy Lucille Hesse, having been first duly sworn, testified as follows on Direct Examination by Mr. R. M. Smith, Solicitor for the Complainant:

My name is Dorothy Lucille Hesse, and I am the complainant in t in ~~xxxx~~ this case.

At the time that this suit was brought both my husband (the defendant) and my self were over twenty one years of age.

At the time that this suit was brought, both the defendant and [✓]resided in Baldwin county Alabama and had so resided for twelve years, next before the filing of the suit.

The defendant and I were lawfully married to one another ~~x~~ at Foley Alabama on January twentieth 1934, and we lived together as husband and wife until the day before this suit was filed.

I have never condoned the adultery of the defendant. I did not know of my own personal knowlege of the adultry of the defendant.

There are four children of the marriage. Their names and ~~ag~~ ages are as follows, Elizabeth Lucille Hesse, Age 10; William Carl Hesse: age 9, Florian A. Hesse, age 7. Thomas Andrew, age 6.

After the bringing of this suit my husband and I have entered into a written agreement (to be ~~effective if satisfactory~~ ~~xxxxxxx~~ made a part of the decree if agreeable to the court to do so) for the custody and support of the children and I am attaching to my deposition the original of said agreement, and I would like to have the contents made a part of the decree.

Dorothy Lucille Hesse

The Said E.N. Bell, having been first duly sworn, testifies as follows on

Direct Examination by Mr. R.M. Smith, Solicitor for the Complainant:

My name is E.N. Bell, and I reside at Bay Minette, Baldwin County Alabama.

I know the defendant in this case, Florian W. Hesse, and have known him for about one year.

On Saturday night, June 30th 1945, the defendant committed adultery with a woman,

but I do not know the name of the woman. On that night, I was near Foley, Alabama, and

I saw the defendant, Florian W. Hesse, committing adultery with the woman.

He and the woman were on the front seat of the automobile, and it was parked

a little ways off the side of the main road leading south. I know the defendant

well, and I know that it was him. They were in the act of adultery when I saw

them.

The defendant has a reputation for what might be termed "stepping out on

his wife".

E N Bell,

THIS AGREEMENT made and entered into by and between Dorothy Lucille Hesse and her husband, Florian William Hesse, WITNESSETH. That whereas the said wife, Dorothy Lucille Hesse, is preparing to file a suit for a divorce against the said Florian William Hesse, and it is desired to provide by contract for the custody and control of the four children of the marriage - Elizabeth Lucille Hesse, William Carl Hesse, Florian A. Hesse and Thomas A. Hesse: Now therefore, it is agreed that the said Dorothy Lucille Hesse shall have the custody and control of the said children; and that the defendant shall pay to the complainant for the support of the said children, the sum of thirty five dollars a week, beginning with the date of this contract.

It is further agreed that this contract and its terms may be made a part of the decree in the cause if the complainant desires to have it done, and if the terms are satisfactory to the Court.

Dated this 16th day of July, 1945.

Florian W. Hesse

Dorothy Lucille Hesse

DOROTHY LUCILLE HESSE
Complainant,

VS.

FLORIAN WILLIAM HESSE
Defendant.

:
:
: In the Circuit Court of
: Mobile County, Alabama.
:
: No. _____
:
:

CERTIFICATE

I, the undersigned, as the Commissioner named in the attached commission, hereby certify that acting under the said instrument, I did cause the witnesses Dorothy Lucille Hesse and E. N. Bell

to come before me at the time and place hereinafter named, in the City of Mobile, Alabama; that said witnesses were duly made known to me, and made known to me to be the identical witnesses named in the said instrument; that said witnesses were by me duly sworn, and did testify as is above set down, and their testimony was by me reduced to writing. I further hereby certify that I am neither of counsel nor of kin to either party to the cause, nor am I in any manner interested in the result thereof. Said testimony was taken by me at 502 First National Bk Bldg Mobile, Alabama, the said E. N. Bell on July 18, 1945, at 10 AM and the said Dorothy Lucille Hesse on July 26, 1945, at 1 PM


and after I reduced the same to writing, I read same over to the witnesses, who thereupon signed and subscribed their names thereto in my presence.

I further certify that these depositions are true and correct as given by the witnesses.

I further certify that the following persons, in addition to the witnesses, attended at the taking of the depositions, and were present when the depositions were read over to and signed by the witnesses.

R. M. Smith, Solicitor for Complainant

Dated this the 26th day of July 1945, 194



Commissioner

We waive being present at the reading over of the depositions to the witnesses and the signing of same by the witnesses, and agree that no one need be present at the reading over and signing of the depositions except the Commissioner.

Dated this the _____ day of _____, 194 .

THE STATE OF ALABAMA,
Baldwin County

1370

CIRCUIT COURT

TO Irvin C. Langford

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 Dorothy Lucille Hesse and E.N. Hall

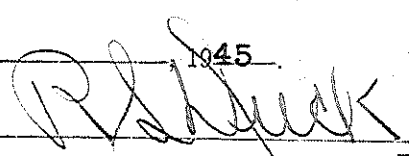
as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Dorothy Lucille Hesse

Complainant
and Florian William Hesse

Respondent,

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

Witness 19th day of July 1945



REGISTER

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

NO. 1370

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Dorothy Lucille Hesse

Complainant

vs.

Florian William Hesse

Defendant

Commission To Take Deposition

COMMISSIONER:

Irvin C. Langford
~~Commissioner~~

Witnesses: