

**CIRCUIT COURT, BALDWIN COUNTY, ALA.
IN EQUITY**

Willing
No. *414* *Murch*

vs. *Maurice Murch* PLAINTIFF

DEFENDANT

BILL OF COSTS

FEES OF REGISTER		Dollars	Cents	Brought Forward	
Filing each bill and other papers	\$ 10		<i>40</i>	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	\$ <i>345</i>
Issuing each subpoena	50			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof	40			Each notice sent by mail to creditor ...	15
Entering each return thereof	15			Filing receipting for and docketing each claim, etc.	25
For each order of publication	1 00			For all entries on subpoena docket, etc.	50
Issuing Writ of injunction	1 50			For all entries on commission docket, etc.	50
For each copy thereof	50			Making final record. per 100 words....	15
Entering each return thereof	15			Certified copy of decree	1 00
Issuing Writ of Attachment	1 00			Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15			TOTAL FEES OF REGISTER...	
Docketing each case	1 00	<i>100</i>		FEES OF SHERIFF	
Entering each appearance	25			Serving and returning subpoena on deft. \$1	50
Issuing each decree pro confesso on per ser.	1 00			Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica	1 00			Levying attachment	1 50
Each order appointing guardian	1 00			Entering and returning same	25
Any other order by Register	50			Selling property attached	75
Issuing Commission to take testimony	50	<i>50</i>		Impaneling Jury	75
Receiving and filing	10			Executing Writ of possession	2 50
Endorsing each package	10	<i>10</i>		Collecting execution for costs	1 50
Entering order submitting cause	50	<i>50</i>		Serving and returning sci. fa., each	65
Entering any other order of court	25	<i>50</i>		Serving and returning notice	65
Noting all testimony	50			Serving and returning writ of injunction	1 50
Abstract of cause, etc.	1 00			Serving and returning writ of exeat....	1 50
Entering each decree	75	<i>75</i>		Taking and approving bonds, each	75
For every 100 words over 500	15			Collecting money on execution	
Taking account, etc.	3 00			Making Deed	2 50
Taking testimony, etc	15	<i>345</i>		Serving and returning application, etc..	1 00
Each report, 500 words or less	2 50			Serving attachment, contempt of court..	1 50
For every 100 words over 500	15			TOTAL FEES OF SHERIFF...	
Amount claimed less than \$500, etc	2 00			RECAPITULATION	
Issuing each subpoena	25			Register's Fees	<i>700</i>
Witness certificate, each	25			Sheriff's Fees	
Issuing execution, each	75			Commissioner's Fees	
Entering each return	15			Solicitor's Fees	
Taking and approving bond, each	1 00			Witness Fees	
Making copy of bill, etc	15			Guardian Ad Litem	
Each notice not otherwise provided for ..	50			Printer's Fees	
Each certificate or affidavit, with seal ..	50			Trial Tax	3 00
Each certificate or affidavit, no seal	25			Recording Decree in Probate Court	
Hearing and passing on application, etc. .	3 00			TOTAL	<i>10.06</i>
Each settlement with Receiver, etc.	3 00				
Examining each voucher of Receiver, etc ..	10				
Examining each answer, etc.	3 00				
Recording resignation, etc	75				
Entering each certificate to Supreme Court	50				
Taking questions and answers, etc	25				
For all other ser relating to such proceedings	1 00				
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward					

Received payment this *6* day of *May* 19*18*

R. S. Murch
Register.

414

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

WILLIAM G. (Jack) MINCHEW Complainant

vs.

MARIE MINCHEW Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Answer and Waiver 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 William G. (Jack) Minchew is forever divorced from the said

Marie Minchew

for and on account of desertion and that said Respondent is hereby given the right to marry again. The control of the children to remain with the Respondent subject to the future orders of the Court and Complainant is given right to visit the children at any time.

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.

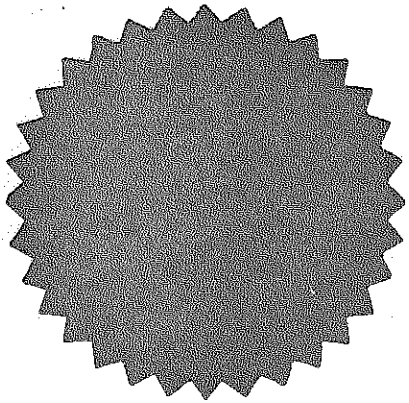
It is further ordered that William G. (Jack) Minchew and Marie Minchew be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that William G. (Jack) Minchew the Complainant pay the cost herein to be taxed, for which execution may issue.

This 10th day of May, 1938

F. W. Hare Judge Circuit Court, in Equity.

I, _____, Register of the Circuit Court for 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.

STATE OF ALABAMA

BALDWIN COUNTY.

W. R. d.
TO THE HONORABLE G. W. ROBERTSON, JUDGE OF PROBATE, BALDWIN COUNTY,
ALABAMA:

E. R. B.
Your Petitioner, Pauline Minchew, *him* for herself and on
his wife *Vib.* behalf of her husband William G. (Jack) Minchew, represents unto your
Honor as follows:

That your Petitioner is the *FATHER* stepmother of, and the
Wife said William G. (Jack) Minchew is the *Mother* *M E* father of, Margaret Marie Minchew,
a minor age nine years, and Jackie Maxine Minchew, a minor age seven years
and that as such they are entitled to the custody and care of the said
minor children; that under an agreement by and between *Vib.* William G. (Jack)
E. R. Minchew and Marie Minchew, made on the 20th day of May, 1938, the said
Marie Minchew, the mother of the said minor children and the divorced
wife of William G. (Jack) Minchew, relinquished all of her right to the
custody of the said children to the said William G. (Jack) Minchew, and
that subsequent thereto, he having no person related to him to assist him
in the care of said children, placed them in the custody of P. L. Fincher
and Mrs. P. L. Fincher, who were the grandparents of the said children on
the mother's side; that he has from that said time down to date paid them
substantial sums for the maintenance of the said children; that the said
P. L. Fincher has abandoned his wife so that the children are now in the
custody of Mrs. P. L. Fincher; that the said William G. (Jack) Fincher
and the Petitioner, his wife, are in position to give the said children better
care and training in their own home, and have demanded of Mrs. P. L.
Fincher that she surrender the said children to them, and that she has
failed and refused to do so, and that the said Mrs. P. L. Fincher un-
lawfully restrains the said children.

THE PREMISES CONSIDERED, your Petitioner prays that a
writ of habeas corpus be issued, directed to the said Mrs. P. L. Fincher
commanding her to bring the body of the said children, namely Margaret Marie

WILLIAM G. MINCHEW
COMPLAINANT

VS.

MARIE MINCHEW WRIGHT
DEFENDANT

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

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

Comes your Complainant and humbly complaining against
Marie Minchew Wright respectfully shows unto your Honor and
this Honorable Court as follows:

1.

That he is over the age of twenty-one years and a
resident of ~~265 E. Jefferson St. Montgomery, Ala.~~ that Marie Minchew Wright
is over the age of twenty-one years and a resident of Baldwin
County, Alabama;

2.

Complainant further shows unto your Honor that in a
cause pending in this Court between the Complainant and the De-
fendant No. 414 of this Honorable Court did on the 10th day of
May, 1938, make and enter a decree in favor of this Complainant
against the said Defendant for divorce in which said decree this
Honorable Court awarded to the said Defendant the care and
custody of their minor children, namely Margaret Marie Minchew,
whose age is now nine years and Jackie Maxine Minchew, whose age
is now seven years; that on, to-wit: the 20th day of May, 1938,
the said Defendant entered into an agreement with this Complain-
ant whereby she relinquished custody of the said children to this
Complainant and awarded them to him and this Complainant agreed
to properly maintain and support them, a copy of which said agree-
ment is hereto attached marked Exhibit "A" and made a part of this
petition.

Complainant further shows that under and in compliance with said agreement he received the care and custody and control of the two minor children and because of the fact that he had no mother or other person to care for children of such tender years he made an arrangement with Mr. and Mrs. F. L. Fincher, the parents of the said Defendant and Grandparents of said children, whereby they should care for the said children in their home and this Complainant would pay them from time to time for their board and all other necessary and proper expenses, that the said Mr. and Mrs. F. L. Fincher have kept the said children under arrangement with this Complainant as aforesaid and they are still in their custody.

Complainant further shows that he has subsequently married and he and his second wife have no children, that they may better care for the said minor children in their own home, that they live in a rented apartment, have modern conveniences and comforts, close to schools and churches, and it is to the interest of said minors that they be taken into the home of your Complainant.

WHEREFORE this Complainant prays that this Honorable Court will make the said Marie Minchew Wright, party Defendant, hereto and by appropriate process require 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; that upon the final hearing, this Honorable Court will make and enter an order and decree confirming the agreement between this Complainant and the said Defendant and awarding the custody of the said children to this Complainant and permitting him to remove the same to his home and he prays for such other, further or different relief as he may be in equity and good conscience entitled to receive.

William Gordon Minchew
Complainant.

EXHIBIT " A "
AGREEMENT AS TO CUSTODY OF CHILDREN

STATE OF ALABAMA
COUNTY OF BALDWIN

May 20th, 1938

WILLIAM G. (JACK) MINCHEW

IN EQUITY NO. 414

Vs.

MARIE MINCHEW

This indenture made this 20th day of May, 1938, and between William G. (Jack) Minchew, of the first part and Marie Minchew of the second part.

Whereas, divers disputes and unhappy differences have arisen between the said parties for which reason they have been divorced by Decree of the Court dated May 10th, 1938, and whereas in order to have a better and more perfect understanding as to the custody, maintenance and support of the children, in consideration of the mutual promises of the parties hereto, we have entered into this written agreement, and hereby agree that this original instrument shall be filed with the Court and become a part of the record as pertaining to the final custody of the children.

And the said second party, in consideration of the execution of this mutual agreement and the terms thereof, hereby accepts this and receives the same in full and complete settlement and release of all claims and demands of every kind, name and nature, against the said first party, and said second party hereby releases to the said party of the first part full, complete, sole, and absolute custody and control of the two children, named, Margaret Marie Minchew, age three born December 28th, 1934, a girl and Jackie Maxine Minchew, age two, born July 22nd, 1936, and a girl forever, and I do hereby relinquish any rights as to the custody of the children as given me by the Divorce Decree issued on May 10th, 1938, but enter into this agreement with party of first part, in order to place the control and custody of the children in him, and that after this settlement the said second party shall require nothing whatever of the said first party, as though the marriage relation had never existed between them.

And it is further mutually understood and agreed that this agreement shall be incorporated in the Court Record as a part of the Divorce Decree.

In Witness Whereof the said parties hereto have, after consultation with their respective counsel relative to the matter herein set forth and agreed upon, having been advised fully and fairly as to all of the facts and circumstances herein set forth, have hereunto set their hands and seals the day and year first above written.

Executed in Duplicate.

William G. Jack Minchew (Seal)
Marie Minchew (Seal)

State of Alabama
County of Baldwin

On the date above first mentioned personally appeared William G. (Jack) Minchew, and Marie Minchew, who both being first informed of the contents of the above agreement, executed the same of their own free will and accord, and by their respective official seals, this 20th day of May, 1938.

My Commission expires: Apr. 2nd, 1939
(Seal)

Orvis M. Brown, Notary Public
Baldwin County, Alabama.



U. S. S. LCI(L) 1093
C/O FLEET POST OFFICE
NEW YORK, NEW YORK

November, 1st, 1944

Dear John,

It was indeed a pleasure to see you while in Washington, and talk over the old days of Baldwin County and it's glory.

John, I received your letter but I had left Solomons, and gone to Bay City, Mich. to receive my ship, then I left there with the ship and sailed down Lake Huron and Lake Superior and on down the Mississippi R. to New Orleans, then to this port on the Gulf which is the last stop before leaving for ports beyond after clearing the Canal.

I would suggest that you return the Commission to take my testimony to the Clerk at Bay Minette and state to him that I had been transferred when the papers arrived, I regret that I cannot give you a new address where I could be reached for the taking of depositions but I will not know that until a matter of minutes before I sail and I receive my sailing orders then I could not give the information out, however when I do get to the Pacific Area and get assigned an operating base I will let Mr. Duck, know so that he can send the Depositions out there and I will give him the name of some officer to send the commission to, if you will pass this word to him I will appreciate it very much. I am sorry that I have caused all this delay and trouble but I warned them that I only had three weeks left at the time and would be transferred.

I am sending you a photo of my ship, I am the Commanding Officer, I have an Executive Officer, Eng. Off. and Communications Officer, under my command, this was at Bay City, Mich. when she had just been launched.

With kindest personal regards and best wishes to you John, drop me a line in care of the Fleet P.O. San Francisco, Cal. some time, the address is New York until Christmas, then this one.

Sincerely,

WILLIAM G. (JACK) MINCHEW,

Complainant,

VS.

MARIE MINCHEW,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes the Defendant in the above styled cause and objects to the question or Interrogatory propounded by the Complainant to the witness, Orvis M. Brown, as follows:-

"State whether or not she understood the contents of the Agreement."

and as grounds for said objection, says:-

FIRST:

That this Interrogatory or question calls for the conclusion of the witness.


Attorneys for Defendant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public in and for said County, in said State, this day personally appeared W. C. Beebe, who is known to me and who being by me first duly sworn doth depose and say that he is attorney for William G. (Jack) Minchew in that certain cause pending in the Circuit Court of Baldwin County, Alabama of William G. (Jack) Minchew against Marie Minchew for the custody of their minor children, that the testimony of Orvis M. Brown, formerly a practicing attorney at this bar is material to the cause of the Complainant and that the said Orvis M. Brown is absent from the state; that he is now a Lieutenant in the armed forces and resides at Naval Amphibious Training Base, Solomons, Maryland, Washington, D. C. and that Complainant desires to take the deposition of the said Orvis M. Brown by the foregoing Interrogatories, that the answers to the Interrogatories propounded herewith, if fully and truly given will be material to the cause of Complainant.

W.C. Beebe

Sworn to and subscribed before me on this the 31 day of August, 1944.

Virginia Keel
Notary Public, Baldwin County, Ala.

Complainant suggests John P. Beebe, of 211 N. Piedmont St, Arlington, Virginia, as a suitable person to act as Commissioner to take deposition of the said Orvis M. Brown under the foregoing Interrogatories.

BEEBE & HALL

By W.C. Beebe
Attorneys for Complainant.

We hereby accept service of a copy of Within Interrogatories, and waive further Notice of same this Aug. 31-1944
J. Lybad & Shannon
As Attys for Resp

AGREEMENT AS TO CUSTODY OF CHILDREN

STATE OF ALABAMA

MAY 20th, 1938

COUNTY OF BALDWIN

EXHIBIT "A"

WILLIAM G. (JACK) MINCHEW,

VS.

IN EQUITY NO. 414.

MARIE MINCHEW,

This indenture made this 20th day of May, 1938, and between William G. (Jack) Minchew, of the first part and Marie Minchew of the second part.

Whereas, divers disputes and unhappy differences have arisen between the said parties, for which reason they have been divorced by Decree of the Court dated May 10th, 1938, and whereas in order to have a better and more perfect understanding as to the custody, maintainance and support of the children, in consideration of the mutual promises of the parties hereto, we have entered into this written agreement, and hereby agree that this original instrument shall be filed with the Court and become a part of the record as pertaining to the final custody of the children.

And the said second party, in consideration of the execution of this mutual agreement and the terms thereof, hereby accepts this and receives the same in full and complete settlement and release of all claims and demands of every kind, name and nature, against the said first party, and said second party hereby releases to the said party of the first part full, complete, sole, and absolute custody and control of the two children, named, Margaret Marie Minchew, age three born December 28th, 1934, a girl and Jackie Maxine Minchew, age two, born July 22nd, 1936 and a girl forever, and I do hereby relinquish any rights as to the custody of the children as given me by the Divorce Decree issued on May 10th, 1938, but enter into this agreement with party of first part, in order to place the control and custody of the children in him, and that after this settlement the said second party shall require nothing whatever of the said first party, as though the marriage relation had never existed between them. And it is further mutually understood and agreed that this agreement shall be incorporated in the Court Record as a part of the Divorce Decree.

In Witness whereof the said parties hereto have, after consultation with their respective counsel relative to the matter herein set forth and agreed upon, having been advised fully and fairly as to all of the facts and circumstances herein set forth, have hereunto set their hands and seals the day and year first above written.

Executed in Duplicate.

William G. Jack Minchew
L.S.

State of Alabama
County of Baldwin

Marie Minchew L.S.

On the date above first mentioned personally appeared William G. (Jack) Minchew, and Marie Minchew, who both being first informed of the contents of the above agreement, executed the same of their own free will and accord with full knowledge thereof.

In Witness whereof I hereunto set my hand and official seal, this 20th day of May, 1938.

John M. [Signature]
Notary Public, Baldwin County,
Alabama.

My Commission expires;
April 2nd, 1939.

WILLIAM G. (JACK) MINCHEW,

Complainant,

VS.

MARIE MINCHEW,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CROSS-INTERROGATORIES PROPOUNDED BY DEFENDANT
TO ORVIS M. BROWN, A WITNESS FOR COMPLAINANT
WHO IS ABSENT FROM THE STATE OF ALABAMA.

Cross-Interrogatory 1: If you state in answer to direct interrogatory 4 that there was an agreement between the Complainant and Defendant with reference to the custody of their children dated May 20, 1938, and that Exhibit A attached to such Interrogatories is the original of such agreement, please state who prepared such agreement. If you state that you prepared such agreement, who employed you to prepare it? Who were you representing? Where was this agreement prepared? If you state that it was signed by William G. (Jack) Minchew, where was he when he signed it? If you state that it was signed by Marie Minchew, where was she when she signed it? Were they together when it was signed by both of them? Did both of them sign it in your presence? Who else was present when it was signed by William G. (Jack) Minchew? Who else was present when it was signed by Marie Minchew?

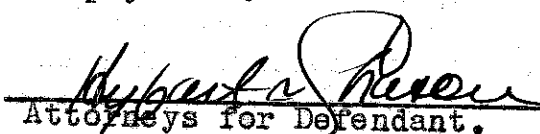
Cross-Interrogatory 2: Had anything occurred between May 10, 1938 the date of the divorce decree giving the custody of such children to Marie Minchew and May 20, 1938 the date of the agreement, to cause a misunderstanding as to the custody, maintenance and support of the children that you have any knowledge of? Who suggested that they enter into a written agreement ten days after the date of the divorce decree?

Cross-Interrogatory 3: Who first requested Marie Minchew to enter into this agreement? Were you present when this request was made? Was anyone else present when this request was made? Where was such request made? When did she first learn that such agreement had been or was to be prepared?

Cross-Interrogatory 4: Where was Marie Minchew living at the time

Cross-Interrogatory 7: Where was William G. (Jack) Minchew living when the agreement to place the children in his custody was signed? Did he ever move these children away from the home where they were living at the time the agreement was signed: Was their custody changed in any way?

Cross-Interrogatory 8: If you state in answer to direct Interrogatory 6 that he placed the children in the custody of Mr. and Mrs. P. L. Fincher when was this done? Was it prior to or after the execution of the proposed agreement? Who was present when he placed such children in their custody? Where were these agreements entered into? How long were Mr. and Mrs. P. L. Fincher to have the custody of such children? Has William G. (Jack) Minchew ever paid Mr. and Mrs. Fincher anything for caring for such children? Is it not a fact that the only money that has been sent has been direct to the children and was spent by them or by Marie Minchew for them? If you state that any money has ever been turned over to Mr. and Mrs. Fincher for the maintenance and care of these children please state when such payments were made, the amount of such payments, whether in cash or in check, and any other information you have in regard to such payments.


Attorneys for Defendant.

We hereby accept service of the foregoing cross interrogatories and waive service thereof, Sept 12, 1944
Becke Hall
Ray H. Becke

THE STATE OF ALABAMA,
Baldwin County

}

CIRCUIT COURT

TO John P Beebe

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 Orvis M Brown.

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

William G Jack Minchew,

Complainant

and Marie Minchew.

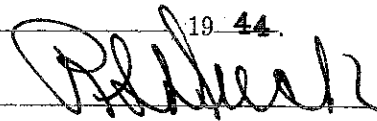
Defendant,

on oath to be by you administered, upon him.

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 12th day of Sept.,/

19 44.



REGISTER

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

William G. Minchew

Complainant

VS.

Marie Minchew Wright

Defendant

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, _____

and in behalf of Defendant upon _____

answer and the testimony of Mr. P. L. Fincher, Mrs. P. L. Fincher,
Margaret Marie Minchew, Jackie Maxine Minchew and Marie Minchew
Wright.

[Handwritten Signature] _____ Register.
*Deputy Register
Collector for Defendant.*

WILLIAM GORDON MINCHEW,
Complainant,
VS.
MARIE MINCHEW WRIGHT,
Defendant.

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

In this proceeding the complainant seeks the alteration of a divorce decree in so far as it affects the custody of two young girls aged eleven and nine. By the original decree the custody of the children was awarded to the mother. Contemporaneously with the delivery of the decree the mother signed an agreement to deliver the children to the father when he was situated so that he could care for them properly. She now claims that she cannot read or write, and that her signature to this agreement was obtained by fraud and misrepresentation on the part of complainant's Attorney, Brown. Mr. Brown practiced law in my Court for years and I esteem him to be an honorable gentleman, incapable of such practice. He is now in the armed forces of the nation and cannot deny the charge. The original of this agreement is in evidence and her signature thereto, which she admits is genuine, is a remarkably good specimen of handwriting - She learned to write her name beautifully.

The mother has married twice since being divorced from complainant. Her present husband is a truck driver and they have two children of their own to support and educate on his earnings.

The real contest is between the father and the grand parents of the two girls. The grand parents have unquestionably been kind and loving to the children, and in return are loved by the children.

During the years since the rendition of the divorce decree here involved the father has provided generously for the

support of the children. He is now in a position to give them a good home and educate them. He has married again and his present wife wants the children, they having none of their own. True, her testimony raises a question as to whether or not she is a very practical person, but leaves no question of her kindness of heart. The complainant impresses me as an intelligent, practical, kind and successful man. From my observation of him on two separate occasions when he testified, and from his admitted good conduct during the years, it is difficult to accept as true the respondent's testimony that he beat her and kicked her around in an inhuman manner. She rather boasts of her lack of education and training and indeed is not an altogether persuasive exhibit of her mother's fitness and capacity to bring up young girls -

In Sparkman vs. Sparkman, 217 Ala. 41, 114 So. 580, the Court, speaking through Justice Bouldin says:

"In contests between parents or other persons seeking custody, the Court is the representative, the guardian or next friend, of the child. He may seek the truth from whatever source, and is not limited to such testimony, partisan it may be, as the parties may produce."

Knowing from experience in such cases that the witnesses, especially those directly interested, are usually disposed to give partisan testimony, and knowing that word pictures of a home are liable to be misleading, and calculated to present a different picture than an actual view of the premises, I acted upon the suggestion quoted from the Sparkman case and viewed the homes of the grand mother, Fincher, and also that of the mother of the children, Mrs. Wright. I have never seen any home any where, occupied by white or black, that was more of an unsightly, unsanitary hovel than the home of the grand mother, which is the home of the children. The home of their mother is but little better. While I did not enter either home, both are squalid from outside appearance. Whichever way the case is decided there will necessarily be disappointments and heartaches, but

these considerations must be subordinated to the plain best interest of the children themselves. I am fully convinced that this would be best promoted by permitting the father to assume full custody and control.

A separation of the children from the grand parents will no doubt cause the children acute distress for a few days, but for a few days only. Quite naturally both of them express a desire to remain as they are now situated, but they are too young and inexperienced to form a wise judgment as to what is best for their ultimate well being.

The Register will enroll the following

D E C R E E:

This cause coming on to be heard is submitted for final decree on the pleading and evidence as noted by the Parties, and upon consideration thereof the court is of the opinion that complainant is entitled to the relief prayed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the original divorce decree be, and same hereby is amended and changed so as to award the custody of said named minor children, viz: Margaret Marie Minchew and Jackie Maxine Minchew, to the complainant. Complainant is taxed with the costs of this proceeding.

This 12th day of March, 1945.

F. W. Stare

JUDGE

agreement which is attached as Exhibit A to the Bill of Complaint filed in this cause was signed by her but that her signature was obtained by fraud and misrepresentation. The defendant says that she did not have an attorney when the divorce proceedings were filed and she did not have an attorney representing her after such proceedings were filed and before the agreement was entered into. That the Honorable Orvis M. Brown, Attorney at Law, at Robertsdale, Alabama, represented her husband, the Complainant, in the divorce proceedings; that after such proceedings were filed in said cause, the said Orvis M. Brown came to the home of her parents in which she was then living and told her that he had her divorce, and that in order for her to obtain such divorce that it would be necessary for her to sign a paper that he had brought with him; that the Defendant only went to the second grade in school and she is unable to read anything except her name and she is unable to write anything except her name; that the said Orvis M. Brown did not read over to her the proposed agreement which is attached as Exhibit A to the Complaint and she was unable to read the same for herself; that there was no other person in the room when the said Orvis M. Brown tendered her the proposed agreement to sign and no one there that could read it for her; that the said Orvis M. Brown did not tell her that the agreement which he asked her to sign was for the purpose of taking the custody of her children away from her, but, on the other hand, he did tell her that it was necessary that the paper which he had prepared and brought with him must be signed in order that she could secure her divorce; that acting upon the representations of the said Orvis M. Brown and believing what he said to be true, that the said defendant signed a paper; that she does not know whether the paper she signed is the same paper that is now attached as Exhibit A to the Bill of Complaint, but it was signed about that time that the proposed agreement is dated. The defendant further says that the said Orvis M. Brown did not give her her divorce or copy of Decree until she would sign some paper, but immediately upon signing some paper

he gave her a paper that she is now advised is a true certified copy of the divorce decree that was granted in that cause. The Defendant further says that her husband was not present when said Orvis M. Brown came to her home but that only she and the said Attorney were in the room at her father's house at such time. The defendant further says that she has not signed any other paper and she has never willingly or intentionally parted with the care, custody and control of her minor children, but has maintained such custody at all times. The defendant further says that she has had the care, custody and control over her minor children named in the Bill of Complaint since the date of their birth and no other person has ever had any such custody other than she and her husband had the joint custody while they were living together. The defendant further says in answer to the second paragraph of the Bill of Complaint that her former husband William G. Minchew did not receive the care, custody and control of such minor children in compliance with the proposed agreement but that no change was made in their custody and no mention was made of there being any such change. The Defendant further says that the said William S. Minchew did not make any agreement with her father and mother, Mr. and Mrs. P. L. Fincher, for the care, custody and control of such minor children, by the terms of any such agreement he was to have the custody of such minor children and was to pay the said Mr. and Mrs. P. L. Fincher for their board and all other necessary and proper expenses. The defendant further says that not only have the said Mr. and Mrs. P. L. Fincher not had the custody and control of such children, but they have never been paid anything for their board or other expenses, but in fact the Complainant has from time to time sent checks to his minor children payable to their order and that through some arrangement with the Bank these checks have been cashed for such minor children and the money turned over to them as it became necessary for their use; that some of the money derived from such checks was used by your Defendant to buy clothes for the minor children. In further answer to the second paragraph of the Bill of Complaint the Defendant

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-4-

says that she has been informed that the Complainant has subsequently remarried but she does not know of her own personal knowledge whether that is true and correct. The defendant most emphatically denies that the Complainant can give the children better care than she can or that their environment or place of abode is better than hers but on the other hand, she says that the children are living in conditions in which they have become accustomed; that they are receiving her care as their mother; that she is properly educating them, training them, sending them to church and looking after their welfare as any mother can best do. The defendant says that she is living within a quarter of a mile of the school and within the sight of three churches, and that the said minor children are regular attendants in such school and church.

In further answer to the Bill of Complaint in this cause the defendant alleges that the Complainant has sent small sums of money varying anywhere from \$6.00 a week to as high as \$40.00 a month to such minor children, but that at times he has gone as long as five months without sending anything to them. The defendant alleges that she is informed and believes that the Complainant is now working in a shipyard and is probably earning from \$200.00 to \$250.00 a month, and that the most he has ever sent such minor children is the sum of \$40.00 per month. The defendant says that such children should have for their maintenance the sum of at least \$75.00 a month.

Wherefore, having answered the Bill of Complaint filed in this cause the defendant submits herself to the jurisdiction of this Court in the premises.


Solicitors of Defendant.

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

WILLIAM G. (Jack) MINCHEW _____ COMPLAINANT

VS.

MARIE MINCHEW _____ RESPONDENT

I, _____ JOYCE GANUS _____

as Register and Commissioner _____

have called and caused to come before me _____ William G. (Jack) Minchew and _____

Dr; H. W. Jordan _____

witnesses named in the requirement for Oral Examination, on the _____ 5th _____ day of _____ May _____

1938, at the office of _____ Orvis M. Brown _____

in _____ Robertsdale, _____, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said _____ Witnesses _____

_____ doth depose and say as follows:

Testimony of William G. Jack Minchew.

My name is William G. Minchew, but I am called and known by all my friends as Jack, I have been a resident for more than three years next preceeding the filing of this Bill of Complaint in Baldwin County, ALABAMA.

I was married to the respondent Marie Minchew, about January 28th 1933, in Bay Minette, Alabama, and there was born to us of this marriage two children, Margaret Marie Minchew and Jackie Maxine Minchew, they are now with their mother in Loxley, Alabama, but I contribute to their support each week, and I have always did so, and have always been willing to keep them and to provide for them but their mother refused to let me have them so I provided for them just the same. It was no fault of mine that she left me, I wanted her to stay with me but she wanted to go home and did so carrying the children with her. I have at all times been ready and willing to accept her back but she did not desire to come to live with me and refused to so do. We have been seperated for more than two years now and have not lived to-gether with in the past two years next preceeding the filing of this bill of Complaint.

William G. Jack Minchew

ORAL EXAMINATION

I, Joyce Ganus 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 witnesses and read over to them and they signed the same in the presence of myself and Orvis M. Brown 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 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 5th day of May 19 38.

Joyce Ganus (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

WILLIAM G. (Jack) MINCHEM
COMPLAINANT

vs.

MARIE MINCHEM
RESPONDENT

ORAL DEPOSITION

Filed Bill May 9, 1938

Orvis M. Brown, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

Testimony of Dr. H. W. Jordan.

My name is H. W. Jordan, I am a Doctor, I reside at Robertsdale, Alabama and have been here for the past twelve years.

I know both the Complainant, William G. Jack Minchew, and also his wife, Marie Minchew, I have known them ever since that they were married and some time even before then.

I know that they have both been residents of this County for more than three years next preceeding the filing of this Divorce proceedure, and further that they were married about January of 1933.

There was twoee childern born to them of this marriage the childern are now with their mother in Loxley, Alabama.

I know further that they have been separated for about two years or longer, and that Jack was always ready and willing to provide for his wife and childern, he seemed to be very devoted to the childern and always provided for them, I do not believe that it was any fault of his that they are separated, and he is the type that always does his part for a good home.

H. W. Jordan M.D.

ANSWER & WAIVER

WILLIAM G. (Jack) MINCHEW

Complainant.

vs.

MARIE MINCHEW,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY NO. _____

Comes the Respondent in the above styled cause and for answer to the complaint filed therein says as follows:

FIRST: The Respondent admits the allegations contained in the paragraph numbered "FIRST".

SECOND: The Respondent denies each and every allegation contained in paragraph "TWO".

The Respondent waives notice of the time of and the taking of testimony in this cause as well as the other proceedings.

The Respondent asks that the custody of the children named in the Complaint and the full control thereof remain vested in the Court subject to its further orders.

The Respondent asks that she be given the right to marry again upon the final decree of this cause.

WITNESS:

Marie Minchew
Respondent.

J. C. Carter
Tom Long

FOOTNOTE:

I hereby accept service of the Bill of Complaint in the above styled cause. Dated May 4th, 1938.

Marie Minchew

BILL OF COMPLAINT

WILLIAM G. (Jack) MINCHEW,

Complainant

-VS-

MARIE MINCHEW,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. No.

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

Your Complainant, WILLIAM G. (Jack) MINCHEW, exhibits this his Bill of Complaint against Marie Minchew, Respondent, and respectfully shows unto your Honor as follows:

FIRST: Complainant has been a bona fide resident of the State of Alabama, Baldwin County for more than three years next immediately preceding the filing of this Bill of Complaint; that both the Respondent and the Complainant are over the age of twenty one years and that the Complainant married the Respondent on or about January 28, 1933 in the State of Alabama at Bay Minette and that there were born to them of this marriage two children, Margaret Marie Minchew, age 3 years, born December 28, 1934, a girl, and Jackie Maxine, age 2, born July 22, 1936, a girl, who are both now residing with their mother at Loxley, Alabama;

SECOND: Complainant alleges and avers that the Respondent lived with him as husband and wife from January 28, 1933 to on or about the middle of the winter of 1936 at which time the Respondent voluntarily left the bed and board of your Complainant without cause or fault on his part and has never returned to your Complainant or cohabited with him as husband and wife from that date 1936 to the date of the filing of this bill of complaint. Said abandonment by the Respondent continuing for more than two years next immediately preceding the filing of this bill.

PRAYER FOR PROCESS

THE PREMISES CONSIDERED, Complainant prays that said Marie Minchew be made a party to this Bill of Complaint and that she be brought into Court by any method adopted by this Court directing her to plead, answer or demur to the allegations as set out against her in said bill of complaint as filed in this

cause in all respects as required by law under the rules of this Honorable Court.

PRAYER FOR RELIEF

And your Complainant prays that upon the final hearing of this cause this Honorable Court will grant unto him an absolute divorce dissolving the bonds of matrimony entirely that now exist between him and the said Marie Minchew and granting him the right to marry again and granting him the right also to visit with the children at any time that he may desire and asks this Honorable Court to retain full custody and jurisdiction of the children subject to the further orders of this Honorable Court and your Complainant prays for such other and further and general relief as in equity and good conscience he may be entitled to in the premises for which he will ever pray.

William S. Jack Minchew
Complainant

Wm. M. Brown
Solicitor for Complainant.

FOOTNOTE: The Respondent is required to answer but not under oath the same being hereby expressly waived as to each and every paragraph of the foregoing bill of complaint numbering from one to two both inclusive.

William S. Jack Minchew
Complainant

Wm. M. Brown
Solicitor for Complainant.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To JOYCE GANUS

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 William G. (Jack) Minchew

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein William G. (Jack) Minchew is

Complainant
and Marie Minchew is

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 5th day of May 19 38



REGISTER

COMMISSIONER'S FEE, \$ 7.00

WITNESS' FEES, \$ _____

RECORDED 7-428

Small

ANSWER AND WAIVER.

Bill May 9/1938
R. J. Reed
Register

RECORDED *Over*
NO. 7-925

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

WILLIAM G. (Jack) MINCHEM

Complainant

MARIE MINCHEM

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Joyce Gains

WITNESSES:

William G. Jack Minchem

D

F. H. W. Jordan

Filed May 9 1938
Richard
Register

BILL OF COMPLAINT.

RECORDED

9-435

Out

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Spring Term, 1938

WILLIAM G. (Jack) MINCHEW, Complainant

Vs.

MARIE MINCHEW, Defendant

To R. S. DUCK, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Orvis M. Brown, Jr

_____ Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.


Solicitor for Complainant.

WILLIAM G. (Jack) MINCHEW

vs.

MARIE MINCHEW

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,

the Testimony of William G. (Jack) Minchew

and in behalf of Defendant upon Answer and Waiver

R. Dech

Register.

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,
BALDWIN COUNTY

No. _____

CIRCUIT COURT BALDWIN COUNTY

May,

TERM, 194 4

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ~~MARIE MINCHEW WRIGHT.~~

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

~~MARIE MINCHEW WRIGHT,~~

~~RESPONDANT.~~
Defendant

by WILLIAM G MINCHEW,

~~COMPLAINANT~~

Witness my hand this 29th day of MAY. 194 4

R. S. Duck

Clerk.

~~RECORDED~~
RECORDED

No. 414 $\frac{1}{2}$

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT

WILLIAM G. MINCHEW.

COMPLAINANT.

vs.

MARIE MINCHEW WRIGHT.

RESPONDANT.

~~Defendant~~

SUMMONS AND COMPLAINT

Filed May 29th.

194 4

Reid

Register.
Clerk

Beebe & Hall, wcb

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

194

Sheriff

I have executed this summons

this

May 30

194 *4*

by leaving a copy with

Marie Minchew Wright

NR Stuart

Sheriff

B F Kucera

Deputy Sheriff

RECORDED *Duch*
2-362

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

William G. (Jack) Minchew

vs.

Marie Minchew

NOTE OF TESTIMONY

Filed in Open Court this 9th

day of May 1938

R. L. Duch

REGISTER

RECORDED

Duch
7-429

No. _____ Page _____

The State of Alabama,
Baldwin County,
CIRCUIT COURT, IN EQUITY

WILLIAM G. (Jack) MINCHEW

Vs.

MARIE MINCHEW

REQUEST FOR DECREE IN
VACATION

Filed May 5, 1938

Product

Register.

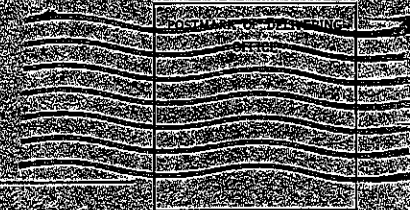
Recorded in _____ Record

Vol. _____ Page _____

Register.

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE \$300



Return to *R. J. Duck*
Street and Number or Post Office Box *Clerk of Court Court*

REGISTERED ARTICLE

No. *1528* Post Office *Bay Minette, Ala.*

INSURED PARCEL

No. _____ State _____

May 21st 19*48*
 Received from *Criss M. Brown*
Seven and 00/100 Dollars
Commission Fee
Minichew vs Minichew # 414
\$7.00 *Joyce James*

Form 3811
Rev. 1-64

RETURN RECEIPT

When returned from the Postmaster the Registered or Insured Article, the original receipt which appears on the face of this Card.

Handwritten signature
Date 12/15/64

Signature of name of addressee

Signature of addressee or other person to whom delivery is made on line 2 of card

Date of receipt

1964