

FRANK A. MIDDLETON

Complainant,

vs.

ZENA MIDDLETON,

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, _____
Testimony of Frank A. Middleton, Ed Middleton, and Zell Middleton.

and in behalf of Defendant upon answer and waiver

R. S. DUCK

clerk, - register

Register.

By *Handwritten Signature*
Deputy

417

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

FRANK A. MIDDLETON, Complainant

VS.

ZENA MIDDLETON Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Declaratory Process~~ answer & waiver

on _____ 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 FRANK A. MIDDLETON is forever divorced from the said

ZENA MIDDLETON

for and on account of ABANDONMENT

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 FRANK A. MIDDLETON & ZENA MIDDLETON be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that FRANK A. MIDDLETON the Complainant pay the cost herein to be taxed, for which execution may issue.

This 24th day of February 19 39.

[Signature] 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.

Frank A Middleton, Complainant

vs

Zena Middleton, Respondent.

In The Circuit Court of Baldwin
County, Alabama.

In Equity.

To the Honorable Francis W. Hare, Judge of the Twenty First Judicial
Circuit of Alabama, which includes Baldwin County :

Humbly complaining your Orator, Frank A Middleton, respectfully repre-
sents unto your Honor as follows:-

1. Your Orator, the said Frank A Middleton, and Zena Middleton, the
respondent, were legally married in Baldwin County, Alabama, on to wit:
January 21st, 1934,-- and lived together as husband and wife just
about one month after they were married, when they separated, while
they were living at Loxley in Baldwin County, Alabama and they have not
lived together since said time; at said time, to wit, February 21st, 1934,
the respondent, the said Zena Middleton voluntarily abandoned your -
Orator without any legal or just cause therefor and since said abandon-
ment of your Orator aforesaid, the respondent has failed and refused
to resume marital relations with your Orator. Your Orator now is
a resident of Baldwin County, Alabama, residing at Loxley in said County
and the respondent resides at Robertsdale, in said Baldwin County.

Both your Orator and respondent are residents of said county.

2. Your Orator further shows unto your Honor, that both your Orator -
and the respondent are over the age of twenty one years and both are
bona fide residents of the state of Alabama, Baldwin County and have
been so all of their lives; that your Orator, for the past three -
years preceeding the filing of his Bill of Complaint in this cause, has
been a bona fide resident citizen of Baldwin County, Alabama.

Wherefore, your Orator prays that the respondent, the said -
Zena Middleton, by proper process of this Honorable Court, be brought
before this Honorable Court and directed to answer the charges herein
made against her under the rules of this Honorable Court; that she may
be made a party defendant to this Bill of Complaint and that upon a final
hearing of the evidence in the cause, that your Honor will order, adjudge,
and decree that the bonds of matrimony heretofore existing between your
Orator and the respondent, the said Zena Middleton, be forever dissolved
and that your Orator may be permitted to marry again and that he be -
granted such other and further relief as may in equity and good conscience

-seem meet and proper to your Honor.

And your Orator will ever pray etc.

S. A. Jenkins

Solicitor for the Complainant

Foot Note :

The respondent is required to answer each and every paragraph of the foregoing Bill of Complaint from item 1 to item 2 inclusive, but not under oath, her oath to her answer is hereby expressly waived.

S. A. Jenkins

Solicitor for the Complainant.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 417 Feb. Term, 193 9

FRANK A. MIDDLETON, Complainant

Vs.

ZENA MIDDLETON, 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 S. C. JENKINS

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.

S. C. JENKINS
Solicitor for Complainant.

The State of Alabama, { Circuit Court of Baldwin County, In Equity
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

ZENA MIDDLETON,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

FRANK A. MIDDLETON,

against said

ZENA MIDDLETON,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 16th day

of May 193 8

Robert S. Duck

Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

RECORDED

No. 417 Page _____

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

FRANK A. MIDDLETON,

Complainant,

Vs.

ZENA MIDDLETON,

Respondent.

**REQUEST FOR DECREE IN
VACATION**

Filed Feb. 24, _____, 1939

R. S. DUCK

Register.

By - Charles H. Thompson,
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

[Faint, mostly illegible text from the reverse side of the page, including a date stamp 'FEB 24 1939' and other markings.]

RECORDED

Duch
7-449

Answer & waiver

Filed this 3 day June 1935

P. S. Duch
Clerk-Register

RECORDED

No. 407

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

FRANK A. MIDDLETON,

Complainant

VS.

ZENA MIDDLETON,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 24th

day of February 193 9

R. S. DUCK,

REGISTER

By - Naudie Thompson
MOORE PRINTING CO., BAY MINETTE, ALA.

Reguly

No. 417 Page

The State Of Alabama
Baldwin County

In Circuit Court, In Equity

..... FRANK A. MIDDLETON

vs. Complainant.

..... ZENA MIDDLETON

Respondent.

DIVORCE DECREEE

Filed February 27 1935
R. S. DUCK

clerk, - register

By *[Signature]*
Deputy

(original)

P. J. ...

188-

RECORDED *Book 9-446*

Serve on _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 417

SUMMONS

FRANK A. MIDDLETON,
Complainant,

vs.

ZENA MIDDLETON,
Respondent.

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193__

SHERIFF

Executed this 26th day of May 1938

by leaving a copy of the within Summons with

Jane Middleton

Defendant

S. C. Jenkins

Sheriff

By *S. C. Jenkins*

Deputy Sheriff

S. C. JENKINS,

Solicitor for Complainant

Recorded in Vol. _____ Page _____

RECORDED

Deed

7-447

FRANK A. MIDDLETON,
Complainant,

R. J. J. J.
ZENA MIDDLETON,
Respondent.

BILL OF COMPLAINT.

Filed this 16 day *Aug* 1935

P. S. Quack
Clerk-Registrar

Frank A Middleton, Complainant

vs

Zena Middleton, Respondent.

In The Circuit Court of Baldwin
County, Alabama.

In Equity.

To the Honorable Francis W. Hare, Judge of the Twenty First Judicial
Circuit of Alabama, which includes Baldwin County :

Humbly complaining your Orator, Frank A Middleton, respectfully repre-
sents unto your Honor as follows:-

1. Your Orator, the said Frank A Middleton, and Zena Middleton, the
respondent, were legally married in Baldwin County, Alabama, on to wit:
January 21st, 1934,-- and lived together as husband and wife just
about one month after they were married, when they separated, while
they were living at Loxley in Baldwin County, Alabama and they have not
lived together since said time; at said time, to wit, February 21st, 1934,
the respondent, the said Zena Middleton voluntarily abandoned your -
Orator without any legal or just cause therefor and since said abandon-
ment of your Orator aforesaid, the respondent has failed and refused
to resume marital relations with your Orator. Your Orator now is
a resident of Baldwin County, Alabama, residing at Loxley in said County
and the respondent resides at Robertsdale, in said Baldwin County.

Both your Orator and respondent are residents of said county.

2. Your Orator further shows unto your Honor, that both your Orator -
and the respondent are over the age of twenty one years and both are
bona fide residents of the state of Alabama, Baldwin County and have
been so all of their lives; that your Orator, for the past three -
years preceeding the filing of his Bill of Complaint in this cause, has
been a bona fide resident citizen of Baldwin County, Alabama.

Wherefore, your Orator prays that the respondent, the said -
Zena Middleton, by proper process of this Honorable Court, be brought
before this Honorable Court and directed to answer the charges herein
made against her under the rules of this Honorable Court; that she may
be made a party defendant to this Bill of Complaint and that upon a final
hearing of the evidence in the cause, that your Honor will order, adjudge,
and decree that the bonds of matrimony heretofore existing between your
Orator and the respondent, the said Zena Middleton, be forever dissolved
and that your Orator may be permitted to marry again and that he be -

granted such other and further relief as may in equity and good conscience

The State of Alabama } Circuit Court of Baldwin County, Alabama,
 Baldwin County } (In Equity)

FRANK A. MIDDLETON, _____ COMPLAINANT

VS.

ZENA MIDDLETON, _____ RESPONDENT

I, R. S. DUCK, _____

as Register and Commissioner _____

By: Nan Alice Thompson, Deputy Register;

have called and caused to come before me _____

FRANK A. MIDDLETON, and Ed MIDDLETON, and Zell Middleton,

witness^{es} named in the Requirement for Oral Examination, on the 24 day of February

1939, at the office of R. S. DUCK, _____

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 _____

FRANK A. MIDDLETON, _____ doth depose and say as follows:

TESTIMONY OF FRANK A. MIDDLETON;-

My name is Frank A. Middleton. I am the Complainant in the above entitled cause now pending in the Circuit Court. I reside at Robertsdale, Alabama, in Baldwin County, and have resided there all my life. The respondent, Zena Middleton, also resides at Robertsdale, Alabama, and has lived there all her life. We are both over twenty-one years of age, and have been more than three years before the filing of this bill, bona fide residents of Baldwin County, Alabama. The said Zena Middleton, the Respondent in the above cause and myself were legally married in Baldwin County, Alabama, on, to-wit; about January 21, 1934, and we lived together as husband and wife about ~~four~~ months one month after our marriage, when we separated while we were living at Loxley in Baldwin County, Alabama. We have not lived together since that time as husband and wife; at which said time, to-wit: Feb. 21, 1934, the Respondent, the said Zena Middleton, voluntarily abandoned me, the said Frank A. Middleton, her husband, without any legal or just cause therefor. Since said abandonment aforesaid, the respondent, the said Zena Middleton has failed and refused to have marital relations with me.

Frank Middleton

ORAL EXAMINATION

I, Nan Alice Thompson, Deputy, as Register and Commissioner hereby certify that the foregoing deposition ^{es} 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 S. C. Jenkins 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 24th day of February 19 39.

Nan Alice Thompson (L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed February 24, 19 39

N. S. Davis
By *Nan Alice Thompson*
RECORDED IN *Equity*
Register

Record

Vol. _____ Page _____

Register

TESTIMONY OF ED MIDDLETON:-

ward D.

My name is Ed/Middleton. I am twenty-six years of age, and reside between Loxley and Robertsdale, in Baldwin County, Ala. I have resided there all my life. I know Frank A. Middleton and Zena Middleton, and I remember when they were married, on te-wit, Jan. 21, 1934, that they lived together about a month and separated. They were then living at Loxley, in Baldwin County, Ala. Since that separation they have not lived together as husband and wife. They separated on or about Feb. 21, 1934, when Zena Middleton voluntarily abandoned Frank A. Middleton without any legal or just cause therefor, and the said Zena Middleton has failed and refused to resume marital relations with her husband. Both Frank A. Middleton and Zena Middleton are bona fide residents of Baldwin County, and have been all their lives and reside near Robertsdale, in Alabama, and are both over twenty-one years of age.

Edward B. Middleton

TESTIMONY OF ZELL MIDDLETON:-

My name is Zell Middleton and have lived there since 1916. I know Frank A. Middleton and Zena Middleton, and have known them since 1916, and I remember when they were married in 1934. They were legally married in Baldwin County, Alabama, and lived together about a month until about Feb. 21, 1934, when they separated. Zena Middleton voluntarily abandoned her husband without any legal or just cause therefor and has failed and refused to resume marital relations with him. Both Frank A. Middleton and Zena Middleton reside near Robertsdale in Baldwin County, Alabama, and have resided in Baldwin County all of their lives, and are both over twenty-one years of age and bona fide residents of Baldwin County, and have been for more than three years before the filing of this Bill for divorce.

Zell Middleton