

Lula Waters Wallace

VS.

Kerney Wallace

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

and in behalf of Defendant upon testimony of Lula Waters Wallace and Jessie Waters

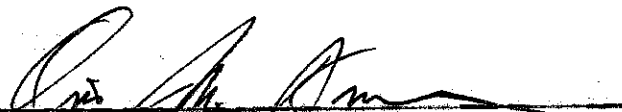
R. Welch

Register.

STATE OF ALABAMA,)
)
COUNTY OF BALDWIN.)

Personally appeared before me, Orvis M. Brown, a Notary Public in and for said State and County, one Lula Waters Wallace, who, first being duly sworn states and affirms upon her oath, that Kerney Wallace, the respondent in a certain divorce proceeding, is not in the Military Service of the United States of America, and further, the affiant sayeth not. *Lula Waters Wallace*

Subscribed to and sworn before me this 20th day of October, 1941.


Notary Public, Baldwin County, Alabama.
My Commission expires April 2, 1943.

The State Of Alabama } Circuit Court of Baldwin County, In Equity.
Baldwin County }

To Any Sheriff of the State of Alabama—GREETINGS:

WE COMMAND YOU, That you summon

KERNEY WALLACE

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

LULA WATERS WALLACE

against said KERNEY WALLACE,

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, R. S. Duck, Register of said Circuit Court, this 9th day of September, 194 1.

R.S. Duck

Register

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

CHANCERY EXECUTION

BILL OF COSTS

No. 752

Lula W. Waller vs. *Henry Waller*
 Plaintiff
 Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	
Filing each bill and other papers.....	\$	10	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%.	
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	50
Entering each return thereof.....		15	(Acts 1915)	
Docketing each case.....	1	00	Total Fees of Register.....	9 65
Entering each appearance.....		25	FEES OF SHERIFF	
Issuing each decree pro confesso on per. ser.	1	00	Serving and returning subpoena on deft.....	\$ 1 50
Issuing each decree pro confesso on publication.....	1	00	Serving and returning subpoena for witness.....	65
Each order appointing guardian.....	1	00	Levying attachment.....	3 00
Any other order by Register.....		50	Entering and returning same.....	25
Issuing commission to take testimony....		50	Selling property attached.....	75
Receiving and filing.....		10	Impaneling Jury.....	75
Endorsing each package.....		10	Executing writ of possession.....	2 50
Entering order submitting cause.....		50	Collecting execution for costs.....	1 50
Entering any other order of court.....		25	Serving and returning sci. fa., each	65
Noting all testimony.....		50	Serving and returning notice.....	65
Abstract of cause, etc.....	1	00	Serving and returning writ of injunction.....	1 50
Entering each decree.....		75	Serving and returning writ of exeat.	1 50
For every 100 words over 500.....		15	Taking and approving bonds, each....	75
Taking account, etc.....	3	00	Collecting money on execution.....	
Taking testimony, etc.....		15	Making deed.....	2 50
Each report, 500 words or less.....	2	50	Serving and returning application, etc.....	1 00
For every 100 words over 500.....		15	Serving attachment, contempt of court.....	1 50
Amount claimed less than \$500, etc.....	2	00	Total Fees of Sheriff.....	
Issuing each subpoena.....		25	RECAPITULATION	
Witness certificate, each.....		25	Register's Fees.....	9 65
Issuing execution, each.....		75	Sheriff's Fees.....	1 50
Entering each return.....		15	Commissioner's Fees.....	3 00
Taking and approving bond, each.....	1	00	Solicitor's Fees.....	
Making copy of bill, etc.....		15	Witness Fees.....	
Each notice not otherwise provided for		50	Guardian Ad Litem.....	
Each certificate or affidavit, with seal...		50	Printer's Fee.....	
Each certificate or affidavit, no seal.....		25	Trial Tax.....	3 00
Hearing and passing on application, etc.	3	00	Recording Decree in Probate Court....	
Each settlement with receiver, etc.....	3	00	Total.....	18 65
Exam'ing each voucher of Receiver, etc.		10		
Examining each answer, etc.....	3	00		
Recording resignation, etc.....		75		
Entering each cert. 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 ct.; all over \$100, and not exceeding \$1,000, 1½ per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, ¼ of 1 per ct.				
Sub Total Carried Forward.....				

The State of Alabama, } No. _____
 Baldwin County. } Circuit Court, In Equity Term, 194

To Any Sheriff of the State of Alabama—GREETINGS:
 You are hereby commanded, That of the goods and chattels, lands and tenements of _____ Defendant.....
 you cause to be made the sum of _____ Dollars,
 which _____ Plaintiff.....
 recovered of _____ on the _____ day of _____ 194
 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,
 costs of suit, and have the same to render to the said _____
 and make return of this Writ and the execution thereof, according to law.
 Interest from _____ 194 to date of collection.
 Witness my hand, this _____ day of _____ 194.

Register.

THE STATE OF ALABAMA, }
Baldwin County

CIRCUIT COURT

TO Mina Lee Whitley

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 Lula Waters Wallace and Jessie Waters

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

Complainant
and Kerney Wallace

Defendant,

on oath to be by you administered, upon them

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

Witness 20th day of October, 1941

R. S. Dyer

REGISTER

Commissioner's Fee \$ 5.00

Witness' Fees, \$ _____

Wallace

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ **Fall** Term, 19**41**

Lula Waters Wallace _____, Complainant

Vs.

Kerney Wallace _____, 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** _____

_____ 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.

Orvis M. Brown

Solicitor for Complainant.

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

Lula Waters Wallace

Complainant,

Vs.

Kerney Wallace

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 _____

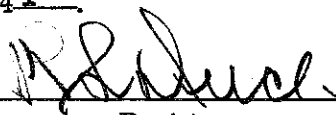
Kerney Wallace

by the Sheriff of Baldwin County, on the _____ day of September,
1941.

And it further appears to the Register, that the said Kerney Wallace

_____, 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 Orvis M. Brown 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 Kerney Wallace

This 20th day of October, 1941.



Register.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Lula Waters Wallace Complainant

VS.

Kerney Wallace Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress 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 Lula Waters Wallace is forever divorced from the said

Kerney Wallace

for and on account of desertion

It is further ORDERED, ADJUDGED AND DECREED that the Respondent pay the cost herein including the Solicitor's fee of \$40.00 for the Complainant's Solicitor which shall be taxed as part of the costs.

It is further ORDERED, ADJUDGED AND DECREED that the Complainant is hereby granted the right to use her maiden name of Lula Waters.

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 Lula Waters Wallace be, and she hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Kerney Wallace, the Respondent pay the cost herein to be taxed, for which execution may issue.

This 22nd day of October, 19 41

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

I, R.S. DUCK, 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 22 day of October, 19 41

Register of Circuit Court, in Equity.

BILL OF COMPLAINT

LULA WATERS WALLACE)	IN THE CIRCUIT COURT OF
)	
Complainant,)	BALDWIN COUNTY, ALABAMA
)	
-vs-)	IN EQUITY:
)	
KERNEY WALLACE)	
)	
Respondent.)	

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

IN EQUITY:

Comes your Complainant LULA WATERS WALLACE and presents this her Bill of Complaint against KERNEY WALLACE and shows unto your Honor as follows:

FIRST: Your Complainant and the Respondent, KERNEY WALLACE, are both of the age of twenty one years and your complainant and the Respondent are both bona fide residents of the State of Alabama and County of Baldwin at the time of the separation and have been for a period of Two years next prior to the filing of this Bill of Complaint.

SECOND: That your Complainant and the said KERNEY WALLACE were lawfully married at Foley, Alabama on August 31st, 1934 and lived together as man and wife until on or about the 5th of February, 1939 and further that there were no children born of the said marriage to the Complainant and Respondent.

THIRD: Your Complainant further shows unto your Honor that during the month of February 5th, 1939 your Respondent did voluntarily and without any cause or fault on the part of your Complainant desert your Complainant and which offense she has not condoned and she will not condone and that he has never returned to your Complainant nor co-habited with her as husband and wife from this 5th day of February, 1939 to the date of the filing of this Bill of Complaint, said abandonment by the Respondent continuing for more than two years next preceding the filing of this Bill.

FOURTH: Your Complainant shows further to this Honorable Court that the respondent is an able bodied man working and earning large wages and that he is able to pay the cost of this procedure and that your complainant has no means of paying the cost of this Court and her solicitor's fee and she prays that the cost of court including her solicitor's fee will be taxed against the Respondent.

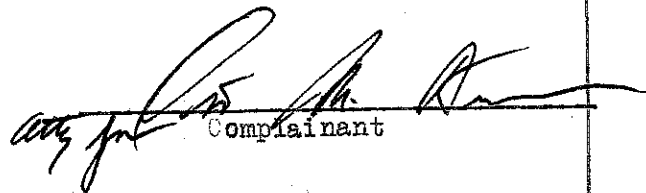
PRAYER FOR PROCESS

THE PREMISES CONSIDERED, Complainant prays that the said KERNEY

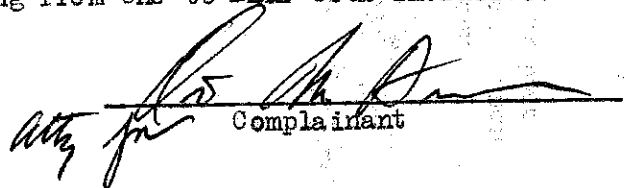
WALLACE be made a party to the Bill of Complaint, that he be brought into Court by personal service or any method approved and adopted by this Honorable Court directing him to plead, answer or demur to the allegations as set out against him in the said Bill of Complaint as filed in this cause in all respects as required under law and rules of this Honorable Court.

PRAYER FOR RELIEF

And your Complainant prays that upon the final hearing of this cause that this Honorable Court will grant to her an absolute divorce dissolving forever and entirely the bonds of matrimony now existing between her and the said KERNEY WALLACE and granting her the right to marry again should she so desire and grant unto her the further right of using her maiden name of LULA WATERS, and your Complainant prays further that upon the final hearing of this cause that your Honor will tax the cost ~~of~~ to the Respondent and further that your Honor will order and decree that the respondent pay the solicitor's fee of your Complainant, and your Complainant prays for such other and further relief as in equity and good conscience she may be entitled to in the premises, for which she will ever pray.


Complainant

FOOT NOTE: The Respondent is required to answer but not under oath the same being expressly waived, as to each and every paragraph of the foregoing complaint numbering from One to Four both inclusive.


Complainant

[Handwritten notes and signatures in the bottom left corner, including a list of names and dates.]

No. 752

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Lula Waters Wallace

VS.

Kerney Wallace

NOTE OF TESTIMONY

Filed in Open Court this 20

day of October 1941

R. S. Duck

REGISTER

745

Off David

RECORDED

OFFICE OF THE
CLERK OF THE COURT

IN SENATE
JANUARY 10 1917
LULA WATERS WALLACE
Complainant
Vs.
KERNEY WALLACE
Respondent.

FILED
JAN 10 1917
CLERK OF THE COURT

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

Lula Waters Wallace

Vs.

Kerney Wallace

**REQUEST FOR DECREE IN
VACATION**

Filed Oct 21, 1941

R. D. [Signature]

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

No. 735

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

Lula Waters Wallace
Complainant,

Vs.

Kerney Wallace

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this _____ day of _____,
194_____.

Register.

NO. 952

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lula Waters Wallace

Complainant

VS.

Kerney Wallace

Defendant

Commission To Take Deposition

COMMISSIONER:

Witnesses:

Serve On _____

Circuit Court of Baldwin County

IN EQUITY

No. _____

Summons

VS.

Solicitor for Complainant

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this _____

day of _____, 194_____

Sheriff.

Executed this _____ day of

_____, 194_____

by leaving a copy of the Summons with

Defendant

Sheriff

By _____

Deputy Sheriff

Recorded in Vol. _____ Page _____

No. 552 **RECORDED**
Page

The State Of Alabama

Baldwin County

In Circuit Court, In Equity

Lula Waters Wallace

vs. Complainant.

Kerney Wallace

Respondent.

DIVORCE DECREE

Filed Oct. 23, 1941
R. S. Dusk
Register

752

RECORDED

Received in Sheriff's Office
this 9 day of Sept, 1941
W. R. STUART, Sheriff

BILL OF COMPLAINT

LULA WATERS WALLACE,

Complainant.

-vs-

KERNEY WALLACE,

Respondent.

9/13/41
I have executed
this writ by handing
a copy to the defendant
Respondent this the
13th day of Sept 1941
W.R. Stuart Sheriff
By John R. Davis
D.S.

Filed September 9, 1941
R.S. Dush, Register

Orvis M. Brown
Attorney for complainant
Robertsdale, Alabama