

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LOUISE RUI	HERFORD	<u>and the state of </u>	Complainant
		V3	
FIRTCHER M.	RUTHERF(PD	Respondent
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ins cause coming on to b	e neard was s	uomittea upon B	III of Complaint, Decress Proceautess
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or in said bill.	o is or are opi	mon that the Con	ipiamant is entitled to the rener praye
			ert that the bonds of matrimony here e, and the same are hereby, disolved
nd that the said LOUs forever divorced from the	JISE RUTHE	RFORD	
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FIRTCHER W. RI	<u>markaord</u>	<u> </u>	
or and on account of At	pandonment	and Non-S	upport
It is furth	er ordere	d and decre	ed that the said Louise
Rutherford be and	che hereb	w is swanda	d the exclusive care.
custody and control	of Clara	Maurice But	herford, aged 2½ years.
within sixty days, neither par appeal. It is further ordered that-		marry except to	each other during the pendency of sai
it is further ordered mar-			
nis suit.	_	ontract marria	age upon the payment of the cost of
It is further ordered that-	<u> </u>	KUTHERFORD	20,00
he Complainant pa	y the cost he	rein to be taxed,	for which execution may issue.
This 28th day of	Seple	mber	19 42 -
v		*	3 WHare
	ng Ariga (1967) Ng Ariga (1967)		Judge Circuit Court, in Equity.
I, R. S. Duck			, Register of the Circui
	foregoing Judge of	is a correct copy	, Alabama, do hereby certify that the of the original decree rendered by the in the above stated cause, which said led in my office.
	Witne	ess my hand and	seal this the 28th day
	· CF .	eptember	- 40
•	ofS	~ NO OXIENOT	, 1942
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		Re	egister of Circuit Court, in Equity.

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LOUISE RUTHERFORD,

Complainant

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN CHANCERY

VS

FLETCHER M. RUTHERFORD,

Respondent.

<u>AN SWER</u>

Comes now the above named Respondent and for answer to the Bill of Complaint and denies each and every allegation of said Bill and demands strict proof thereof.

The Respondent shows to the court that he is not in the armed services of the United States and consents and agrees that testimony maybe taken and this cause submitted without further notice to him.

Dated this 27 day of August, 1942.

Fletcher M. Rutherford.
Respondent.

LOUISE RUTHERFORD,

Complainant,

IN THE CIRCUIT COURT OF BALDWIN COUNTY. ALABAMA IN CHANCERY

VS.

BILL OF COMPLAINT

FLETCHER M. RUTHERFORD,
Respondent.

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

PART ONE

Your complainant, Louise Rutherford, respectfully shows that she is over the age of twenty-one (21) years and a bona fide resident of Baldwin County, Alabama, having resided therein for more than ten (10) years next preceding the filing of this bill and that the respondent, Fletcher M. Rutherford is also over the age of twenty-one (21) years and a non-resident of the State of Alabama, residing in Miami, Florida.

PART TWO

- 1. Your complainant further alleges she was legally married to the respondent on the 16th day of May, 1939, and ever since said marriage has conducted herself towards the respondent as a faithful and obedient wife.
- 2. That the issue of the marriage between the parties is one child, Clara Maurice Rutherford, now aged two and one-half years and your complainant avers that said child is now in her custody and control, as it always has been, that she is able to support and provide for it, as she always has done and that she is a fit and proper person to have the care, custody and control of said minor and that respondent is not a proper person to have the custody or centrol of said minor child.
- 3. That on the 20th day of June, 1939, only about one month after the marriage, the respondent, willfully and without good cause abandoned your complainant and they have ever since

lived separate and apart and the respondent has never at anytime contributed anything to the support of your complainant or the minor child of the parties and that by reason of such conduct on the part of the respondent, your complainant is entitled to and desires a divorce from the respondent.

PRAYER FOR PROCESS

The premises considered, your complainant prays that your Honor will grant to her a writ of summons of the State of Alabama directed to the respondent, Fletcher M. Rutherford, commanding him to appear in this court within the time allowed by law, to answer or plead to this bill of complaint and to abide such order and decree as may be entered therein; and your complainant shall ever pray, & c.

PRAYER FOR RELIEF

Your complainant further prays that upon the final hearing of this cause, your Honor will grant to her a decree of absolute divorce from the respondent, Fletcher M. Rutherford; that your Honor will grant to her the exclusive care, custody and control of Clara Maurice Rutherford, the minor child of the parties and that she may have such other and further relief in the premises as may be just and equitable.

Solicitor for Complainant

REGISTER

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THE STATE OF ALABAMA, Baldwin County	}	CIRCUIT CO	URT		
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as witnesses in behalf of Co	mplainant	<u>.</u>	n a cause p	ending in our Cire	cuit
Court of Baldwin County, of said State	e, wherein ———				
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Louis	e Rutherford			Complainan	t
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on oath to be by you administered, upo	on oral	interrogatorio	es		
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venient speed, under your hand.					J.1.1."
Witness — 22 day	y of Sept.		19_42		
	<u>r</u> - v	CKA	ual		

Witness' Fees, \$_____

LOUISE RUTHERFORD,

Complainant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
IN CHANCERY

٧s.

DEPOSITION

FLETCHER M. RUTHERFORD,

Respondent.

TESTIMONY OF LOUISE RUTHERFORD

I am Louise Rutherford, the complainant in the above entitled action for divorce. I have lived in Foley for the past thirteen years and became acquainted with my husband here in Foley and we became engaged to be married. However, his family moved to Miami, Florida, and he went with them and later sent for me and I went to Miama and we were married on the 16th day of May, 1939, and went to live in the house with his parents.

Married life, apparently, did not appeal to him because he told me that he was not willing to be married and go on living with me and that he was not going to provide for me or support me and that I had better go back home to my mother and he made life so miserable for me that I did leave and come back to my parents on June 20th, 1939, and we have never lived together, nor has he ever contributed anything to my support since that time.

Our baby, Clara Maurice, is now two and one-half years old. When I knew I was going to have a baby, I wrote him and asked him to help me financially, at least, but he did not even answer my letter and I have had to support myself and baby ever since she was born.

I am living at home with my parents, I am working and able and willing to provide for and support the baby but I desire that her exclusive care and custody be awarded to me.

Louise Rutherford

CERTIFICATE

I, Edith Howell, by virtue of the attached commission, the commissioner to take the testimony of Louise Rutherford and Stella Amison, do hereby certify that I caused said witnesses to come before me in my office in Foley, Alabama, on September 25th, 1942, and after being first duly sworn, the testimony of said witnesses were taken by me in shorthand, later transcribed on the typewriter, read over and signed by said witnesses.

That I have personal knowledge of the identity of said witnesses and I am not of counsel or of kin to any of the parties to this cause, or in any manner interested in the result thereof.

IN WITNESS WHEREOF: I have hereunto set my hand this 25th day of September, 1942.

looyer House

Commissioner

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

Respondent.

ANSWER

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

N= - = -	Nettie Ar	d White.	<u> </u>	Complainant
	•		₹ \$	
Andrew Control	James Tho	omas White	•	Respondent
This cause con	ning on to be he	eard was subm	itted upon B	ill of Complaint, Decress Pro Confess
n Publicat	ion.	<u>and the set the discolution of </u>	and Testim	ony as noted by the Register, and upo
onsideration there or in said bill.	of, the Court is	of the opinion	that the Con	nplainant is entitled to the relief praye
It is therefore ofore existing be	ordered, adjudg tween the Com	ed and decree plainant and	d by the Cou Defendant b	rt that the bonds of matrimony here, and the same are hereby, disolve
nd that the said	Nettie	Adm Whit	<u>.</u> ⊜ .	
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It is further o	rdered that	Wettie Ard	i "hite	
e, and <u>She</u> h nis suit.	ereby permitte	d to again co	ntract marri	age upon the payment of the cost
It is further o	rdered that	Nettie Arc	White.	
ne Complainan	t. pay t	ne cost herein	to be taxed,	for which execution may issue.
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en e				Judge Circuit Court, in Equity.
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*		foregoing is a Judge of the	. correct copy Circuit Cour	Alabama, do hereby certify that the of the original decree rendered by the in the above stated cause, which salled in my office.
		Witness 1	my hand and	seal this theda
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		,	R	egister of Circuit Court, in Equity.
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The State Of Alabama
Baldwin County
In Circuit Court, In Equit
vs. Complainant.

Respondent.

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STATE OF ALABAMA

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BALDWIN COUNTY

WE COMMAND YOU, That you summon JAMES THOMAS WHITE to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction, within thirty days after the service of summons, and there to anser, plead or demar, without oath, to a Bill of Complaint lately exhibited by NETTIE AND WHITE against said JAMES THOMAS WHITE, and further to do and perform what said Judge shall order, and direct in that behalf, and this the Defendant shall in no wise omit, under penalty of the laws; and we further command that, you return this writ with your endorsement thereof, to our said court immediately upon the execution thereof.

Handay of Alfat. 1942.

Register of said Circuit Court, this

Register.

NETTIE ARD WHITE, Complainant IN THE CIRCULT COURT OF BALDWIN

Vs. GOUNTY, ALABAMA, IN MQUITY.

JAMES THOMAS WILTE, Defendant.

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

And now comes your Complainant, NETTIE AND WHITE, and humbly complaining against JAMMS THOMAS WHITE, Defendant, respect-fully shows unto your Honor:

TINGT:

That your Complainant and the said JAMES THOMAS WHITE are each over the age of twenty-one years, that your complainant is a resident of Baldwin County, that she has resided in Baldwin County continuously for more than three years next preceding the filing of this bill of complaint, that the said JAMES THOMAS WHITE is a non-resident of the State of Alabama, his particular resident and Postoffice address is unknown to this Complainant.

SMCOND:

That your Complainant and the said JAMES TROMAS WHITE intermarried at Bay Minette, in Baldwin County, Alabama, June 18, 1921, and lived together as husband and wife until March 2, 1940, when the said JAMES THOMAS WHITE voluntarily abandoned this complainant with-out just cause; that the said JAMES THOMAS WHITE A short while there-after left the State of Alabama and has not been heard from since; that Complainant and the said JAMES THOMAS WHITE have not lived to-gether since the said date, namely since March 2, 1940.

will take the jurisdiction of the cause made by this bill of complaint and make the said JAMES THOMAS WHITE a party defendant hereto and by appropriate process requiring him to plead, answer or demar to the same within the time and under the pains and penalities
prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon the final hearing of this cause this Honorable Court will make and enter a decree forewer dissolving the bonds of matrimony existing between this Complainant and the said Defendant and complainant prays for such other, further or different relief as in equity and good conscience she shall be entitled to receive in the premises.

BALLE & ILLL

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MCBULU Bolioitors for Complainant STATE OF ALABAMA BALLWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, this day personally appeared Nettie Ard White, who is known to me, and who having been by me first duly sworn, deposes and says that she is Complainant in the cause of Nettie Ard White Versus James Thomas White for divorce in Circuit Court of Baldwin County, Alabama, that the said James Thomas White is a nonresident of the State of Alabama, that she has made diligent inquiry to ascertain his place of residence and Post Office address and she has been unable to ascertain the same.

Sworn to and subscribed before me this lith day of September, 1942.

Notary Public, Baldwin County, Ala.

THE STATE OF AI	· - >	CIRCUIT COURT	Ĭ
Baldwin Cou	ші,		
770	<u>Virginia Ke</u>	-1	
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KNOW YE: That we	e, having full faith in your prude	nce and competency, have a	prointed you Commis
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	ents do authorize you, at such	time and place as you may	appoint, to call before
you and examine			
	Nettie Ard White and	Runice White	
		White the state of	
	TT SAME US TO THE BUL		
as witnesses in behalf of —	Mettie Ard White	in a cause	pending in our Circuit
Court of Baldwin County.	of said State, wherein	·	
Journ of Burgarian Goding,	or bard brave, wherein		
•	Mettie And White		
	Nettie Ard White	, , , , <u> </u>	Complainant
and ————	-a.c.		
		·	
			•
	James Thomas White		——— Defendant,
on oath to be by you adm:	inistered, 🚗 ———————————————————————————————————		
to take and certify the depo	osition_S of the witnesseS a	and return the same to our	Court, with all Con-
venient speed, under your			,
_ ,			
Witness <u>23rd</u>	day of <u>November</u>	1942.	
	day of <u>liovember</u>	P & 10 . 1.	
		14 D. Unch	REGISTER
Managanian and Managan			TANKINI
Commissioner's Fee \$		•	
Witness' Fees, \$			

STATE OF ALABAMA

BALDWIN COUNTY

WE COMMAND YOU, That you summon JAMES THOMAS WHITE to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction, within thirty days after the service of summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by NETTIE ARD WHITE against said JAMES THOMAS WHITE, and further to do and perform what said Judge shall order, and direct in that behalf, and this the Defendant shall in no wise omit, under penalty of the laws; and we further command that, you return this writ with your endorsement thereof, to our said court immediately upon the execution thereof.

WITWESS, R. S. DUCK, Register of said Circuit Court, this day of Left, 1942.

Register.

NETTIE ARD WHITE, Complainant

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

JAMES THOMAS WHITE, Defendant.

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

And now comes your Complainant, NETTIE ARD WHITE, and humbly complaining against JAMES THOMAS WHITE, Defendant, respectfully shows unto your Honor:

FIRST:

each over the age of twenty-one years, that your complainant is a resident of Baldwin County, that she has resided in Baldwin County continuously for more than three years next preceding the filing of this bill of complaint, that the said JAMES THOMAS WHITE is a non-resident of the State of Alabama, his particular resident and Postoffice address is unknown to this Complainant.

SECOND:

That your Complainant and the said JAMES THOMAS WHITE intermarried at Bay Minette, in Baldwin County, Alabama, June 18, 1921, and

lived together as husband and wife until March 2, 1940, when the said JAMES THOMAS WHITE voluntarily abandoned this complainant without just cause; that the said JAMES THOMAS WHITE A short while thereafter left the State of Alabama and has not been heard from since; that Complainant and the said JAMES THOMAS WHITE have not lived together since the said date, namely since March 2, 1940.

Wherefore your complainant prays this Honorable Court will take the jurisdiction of the cause made by this bill of complaint and make the said JAMES THOMAS WHITE a party defendant here to and by appropriate process requiring him to plead, answer or demur to the same within the time and under the pains and penalities prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon the final hearing of this cause this Honorable Court will make and enter a decree forever dissolving the bonds of matrimony existing between this Complainant and the said Defendant and complainant prays for such other, further or different relief as in equity and good conscience she shall be entitled to receive in the premises.

BEEBE & HALL

Equip •

Solicitors for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, this day personally appeared Nettie Ard White, who is known to me, and who having been by me first duly sworn, deposes and says that she is Complainant in the cause of Nettie Ard White Versus James Thomas White for divorce in Circuit Court of Baldwin County, Alabama, that the said James Thomas White is a nonresident of the State of Alabama, that she has made diligent inquiry to ascertain his place of residence and Post Office address and she has been unable to ascertain the same.

Addie Ard White

Sworn to and subscribed before me this 11th day of September, 1942.

McBecke
Notary Public, Baldwin County, Ala.

Nettie Ard White	·······,\ IN THE CIRCUIT COURT OF
Complainant,	
, <u>-</u>	BALDWIN COUNTY, ALABAMA,
VS.	IN EQUITY.
James Thomas White	, NO
Respondent.)
DW14147D 750D	AT 17 TITLE 25727 2 MTART
DEMAND FOR	ORAL EXAMINATION.
COMFEC the Complainant by atternor	, and represents to the Court as follows:
COMES the Complaniant, by actorney	, and represents to the Court as follows:
1 That the following named witne	esses reside within one hundred miles from
1. That the following named with	3569 1691de Millin Olic Hanarca Hilles Holl
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Alabama the place of trial of said equipe to-	wit:
Alabama, the place of that of said cause, to-	N IV
Tettie Ard. V	thite and Iunice White
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	······································
2 That said complainant requires an	oral examination of said witnesses before a com-
2. Tites said Companies 14 1	
missioner appointed by the Register of this	Court.
illipprofice appointed by	
	BEIGHT & HALL By: Wellie
t.	By: N. Cl July
	Selicitor for Complainant.
	-
NOTE:	
Complainant suggests the name of	Virginia Keel
as a suitable and competent person to act as o	commissioner upon the examination of said witnesses.
• •	יין אין גער אוינדער אינדער
	By: W. C. Quelo. Solicitor for Complainant.
· •	DJ. IV CILCLE
	'\ Solicitor for Complainant.
and the second s	~

Nettie Ard Thite Eusice White	Virginia Keel Wineses:	COMMISSIONER:	Defendant Commission To Take Deposition	James Thomas White	Complainant	Nettie srd Thite		CIRCUIT COURT	THE STATE OF ALABAMA Baldwin County	NO
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DEMAND FOR ORAL EXAMINATION. BT-6-40-600

Nettie Ard Dite

Complainant,

Vs.

James Thomas White

Respondent.

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

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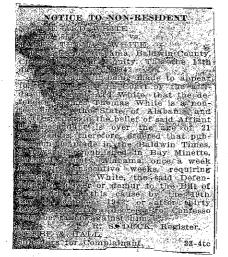
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Register.

THE STATE OF ALABAMA, Baldwin County.	CII	RCUIT	Court,	In Eq	UITY.
) No	ه سیمچند		,	Term, 193
Nettie Ard Whi	<u>te</u>			, Co	omplainant
	Vs.			•	
	hite				Defendant
Motion is hereby made for a Decree Pro C	confesso agair	nst		· 	
James Thom	as White			~~ 6	Defendant
in the annexed stated cause, on the ground that i	more than thi	irt y days l	ave elapsed	l since the	perfection of
publication was made under the order of this Cou	art; and it ha	aving been	shown by	lue proof	to the Court
hat said Defendant is a non-resident of the State	of Alabama,	and has fa	iled to ansv	ver, plead o	or demur to
the Bill in this cause, to the date hereof.	one √				
This 23rd day of Novem	ber	19 3	2		
	3	ech 1	cv2	all	
746 Code	/	<i>†</i>			Solicitor.

HEBAL/DWIN

ALABAMA'S BEST COUNTY'S- MEST NEWSPAPER



BAY MINETTE, ALABAMA

STATE OF ALABAMA.

AFFIDAVIT OF PUBLICATION

BALDV	VIN COUN	TY.						
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<u>_1.</u>	<u> </u>	Zai	elpn	er bein	g duly	sworn.	deposes	an

that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

COST STATEMENT

157 WORDS @ 4/2 cents \$ 707

I hereby certify this is correct, due and unpaid (paid):

Publisher.

Was published in said newspaper for 4_consecutive weeks in the following issues: Date of 1st publication Rent. 17 _____, 1942 Vol.53 No.33 Date of 2nd publication Lent. 24 _____, 194.2 Vol. 53 No. 3 4 Date of 3rd publication Det Stev 1 , 1942 Vol. 53 No. 35 Date of 4th publication CO-Subscribed and sworn before the undersigned this 6 day of Del 1942

Notary Public, Baldwin County.

RAIDWIN COUNTY	CUIT COURT,	
No	· · · · · · · · · · · · · · · · · · ·	, Term, 19
Nettie Ard White Vs.		Complainant
James Thomas White		——— Defendant——
In this cause it appears to the Register R. S. Du	ick that t	he order of publicatio
heretofore made in this cause, was published for four consecu-	tive weeks, commenci	ng on the
day of, 19, in the The Balc	win Times	a newspaper publishe
in Bay Minette, , , Alabama, that a copy of sa	aid order was posted a	t the Court House doo
in Baldwin County, on the	· · · · · · · · · · · · · · · · · · ·	
and		
S. A.		
And it now further appearing to the Register	H. S. Duck	that the said
James Thomas White)	
	•	
naving, to the date hereof, failed to demur, plead to, or answer	the Bill of Complain	t in this cause, it is
now, therefore, on motion of Complainant, ordered and deci		
that the Bill of Complaint in this cause		
confessed against the said James		
	Van	:
This 23rd day of November R 5. WW	19.42	
- A S. Llu	R	Poolstor

Nottle Ard Wilter	The State of A	labama,
No.	- Beldwin.	——County
vs.		
Jews Thomas White.	Circuit Court, in	Equity
	This the 12th	
	Soots	day of
In this cause it being made to appear	refrese in the second	———, 194 ne affidavit of
that the Defendant		
	/	
is a non-resident of the State of Alabama		
and further, that, in the belief of said Affiant——the years; it is, therefore, ordered that publication be made		the age of 21
ished in Bay Minette, Baldwin County, Alabama, onc	ce a week for four consecutive wee	eks, requiring
James Thomas white the said port	TAXABA TAXABA	
o answer or demur to the Bill of Complaint in this cau	se by the 19th	dorr of
With the second	ys therefrom a decree Pro Conf	——day of
aken against	To wherefrom a decree Pro Conf	esso may be
사용하게 되었다. 1	- Valled	
Boobe & Bell. Solicitors for Compleintant.		Register.

Page.

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

Complainant

Mettie

HO

White

Defendant

Tames Thomas Thite

Motion for Decree Pro Confesso On Publication.

Filed

Register.

Register,

Vol.

Recorded in

Record,

MOORE FRINTING CO., EAY MINETTE, ALA.



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The State of Alabama,

CIRCUIT COURT, IN EQUITY

James Ta<u>o</u>mas White

√s.

Decree Pro Confesso of Publication

Register.

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Register,