
 Elijah Y. Armacost

 vs.

 Bessie Armacost

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, _____
 Attempted Service by Registered Mail, Order of Publication, Proof
 Publishers' Affidavit, Decree Pro Confesso, Depositions,

and in behalf of Defendant upon _____

Robert S. Duck

Register.

145

NOTICE TO NON-RESIDENT

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

This the 6th day of August, 1935.

Elijah Y. Armacost, }
 vs. }
 Bessie Armacost }

In this cause it being made to appear to the Clerk of this Court by the affidavit of Elijah Y. Armacost is a the Defendant Bessie Armacost is a non-resident of the State of Alabama, and that notice by registered mail which was sent to 61 East Clifton Avenue, Cincinnati, Ohio, that being her last known address, was returned unclaimed and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Foley Onlooker, a newspaper, published in Foley, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said Bessie Armacost to answer or demur to the Bill of Complaint in this cause by the 5th day of September, 1935, or after thirty days therefrom a decree Pro Confesso may be taken against Bessie Armacost, the said Defendant.

Robert S. Duck
 Register
 8-15-22 29

AFFIDAVIT OF PUBLICATION

I, Frank V. Barchard

Editor of The Onlooker, published at Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for Four consecutive weeks, commencing with the issue dated Aug. 8, 1935, and ending with the issue dated Aug. 29, 1935

Frank V. Barchard

Subscribed and sworn to before me this 30 day of Aug, 1935.

Robert S. Duck
 Notary Public.

No. 145

RECORDED
such
6-228

145

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Elizab Y. Armacost

vs.

Besse Armacost

NOTE OF TESTIMONY

Filed in Open Court this 11th

day of October 1935

Robert S. Much

REGISTER

ROOSE PRINTING CO., 244 NINEYER, ALA.

RECORDED
such
6-227

Robert S. Much
11/35

THE STATE OF ALABAMA, }
Baldwin County. }
CIRCUIT COURT, IN EQUITY.
No. 145 Fall, Term, 1935

Elijah Y. Armacost, Complainant..

Vs.

Bessie Armacost, Defendant..

Motion is hereby made for a Decree Pro Confesso against

Bessie Armacost, Defendant..

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 7th day of October 1935

LLOYD A. MAGNEY
Solicitor.

746 Code

[Handwritten signatures and notes at the bottom of the page, including a circular stamp.]

After five days return to
ROBERT S. DUCK
Register and Clerk of the Circuit
Court, Baldwin County
BAY MINETTE, ALA.

145

REGISTERED
27



Deliver to addressee only.

DELIVER TO ADDRESSEE ONLY

REGISTERED

*Filed
July 31, 1935
Robert S. Duck*

Receipt Requested
Fee Paid

MRS. BESSIE ARMACOST,
61 East Clifton Avenue,
Cincinnati, Ohio.

UNCLAIMED

*2nd notice
7-20-35*

145

Foley, Ala., _____, 193

BARCHARD PUBLISHING CO.

The Foley Onlooker

Robertsdale News-Herald



HIGH QUALITY JOB PRINTING

-182 words

Armacost vs
Legal for Armacost.
Run 4 times

\$8 19

Post Office Department
OFFICIAL BUSINESS

REGISTERED ARTICLE

No. _____
INSURED PARCEL

No. _____

Return to **Robert S. Duck, Clerk**

Street and Number, }
or Post Office Box, } **Box 545**

Post Office at **Bay Minette**

Rev. 3-24

05-0110

State _____

145
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY.

ELIJAH Y. ARMACOST,
Complainant,

-VS-

BESSIE ARMACOST,
Respondent.

BILL OF COMPLAINT

*Filed July 12th 1938
Robert S. Dwyer
Register*

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

Solicitor for Complainant.

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

ELIJAH Y. ARMACOST,
Complainant,

-VS-

BESSIE ARMACOST,
Respondent.

DEPOSITIONS

Filed this 11th day of July 1938
Robert S. Dwyer
Register

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

RECORDED
such
6-227

145

No. 145

Page

State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Elijah Y. Armacost

Complainant

Vs.

Bessie Armacost

Defendant

Motion for Decree Pro Confesso
On Publication.

Filed October 7th, 1935

Robert S. Duck
Register.

Recorded in Record,

Vol. Page

Register,

Handwritten notes and signatures on the right margin, including a large signature and some illegible text.

ELIJAH Y. ARMACOST,
Complainant,

-vs-

BESSIE ARMACOST,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DEPOSITIONS

DEPOSITION OF ELIJAH Y. ARMACOST.

Elijah Y. Armacost, being first duly sworn on his oath deposes and says:-

My name is Elijah Y. Armacost and I reside in Elberta, Alabama, where I have lived continuously for the past six years.

I was married to the respondent, Bessie Armacost, in Georgetown, Ohio, on the 15th day of July, 1903, and we lived together as husband and wife for about twenty-two years. There were three children born to us, Corydon, who is now aged thirty-one years, Helen, who is now aged twenty-seven and George aged nineteen. The children are all now grown and the two younger ones are married and have homes of their own, while the eldest has never married.

When I came to Alabama, six years ago, my wife did not come with me but after I had been here awhile she wrote me to the effect that if I would come for her she would come to Alabama and live with me. Upon receipt of this information I proceeded at once to arrange a home for her. Prior to that time I had been living with my sister and did not have a home of my own, but I got a house and furnished it and made all arrangements for her to come and in August, 1931, I went to Cincinnati to get her. I drove up in my car with my nephew, Charles Keltz, but when we got there my wife positively refused to come to Alabama with me. She had no reason to give, simply said that she would not live in the south and starve as she put it.

As a consequence I had all of my trouble and expense for nothing and my wife from that time to this has always refused to live with me. I have never given her any reason for refusing to

live with me, have always supported her to the best of my ability and her abandonment of me was willful and voluntary on her part and has continued for more than two years before I filed this suit for divorce.

Elijah Y. Armacost

TESTIMONY OF MINNIE KELTZ

Minnie Keltz, being first duly sworn, on her oath deposes and says:-

My name is Minnie Keltz, I reside in Elberta, Alabama, and I am a sister of Elijah Y. Armacost, the complainant in this divorce action.

My borther has lived with me in Elberta, Alabama for the past six years and during that time he and his wife have not lived together.

About four years ago, in August, 1931, he received word from his wife that she would come to Alabama and live with him if he would come to Cincinnati and get her and upon receipt of this information he arranged for a house, furnished it completely, stocked it with food and supplies, planted a garden and made all arrangements to provide a home for his wife and he and my son, Charles, took his car and drove to Cincinnati to get his wife and bring her back to Alabama.

I remained in Alabama and so do not know exactly what occurred in Cincinnati except as I have been told but I do know that my brother and my son returned from Cincinnati shortly without his wife and that both told me that she refused to come to Alabama to live.

I know that my brother has always been willing to provide a home for her here, that he has been able to do so and that the fact that they have not lived together as husband and wife has been entirely her fault.

Their children are now all grown and established in homes of their own and my brother has not applied for a divorce before be-

cause he wanted to see the children all settled before he did so,
but now he feels that as his wife refuses to live with him that
there is no longer any reason for the marriage to continue.

Mrs Gennie Kelly

CERTIFICATE OF COMMISSIONER

STATE OF ALABAMA)
BALDWIN COUNTY)

I, Edith Howell, by virtue of the attached commission, commissioner to take the testimony of Elijah Y. Armacost and Minnie Keltz in the above entitled cause, do hereby certify that on the 9th day of October, 1935, I caused the said witnesses, Elijah Y. Armacost and Minnie Keltz to come before me at my office in Foley, Alabama; that said witnesses were by me duly sworn and their testimony reduced to writing and later signed by the witnesses. That I am not of counsel or of kin to any of the parties to said cause or in any manner interested in the result of the same.

IN WITNESS WHEREOF: I have hereunto set my hand this 9th day of October, 1935.

Edith Howell
Commissioner

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To Edith Howell

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 Elijah Y. Armacost and Minnie Keltz

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

Complainant
and

Bessie Armacost is Defendant,

on oath to be by you administered, upon Oral examination to take and certify the deposition... of the witness.... and return the same to our Court, with all convenient speed, under your hand.

Witness 7th day of October 19 35

Robert L. Duck

REGISTER

COMMISSIONER'S FEE, \$ 5.00

WITNESS' FEES, \$ None

The State of Alabama,
Baldwin County

Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Bessie Armacost,

61 East Clifton Avenue,
Cincinnati, Ohio.

of _____ 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

Elijah Y. Armacost,

against said Bessie Armacost,

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 12th day of July 1935

Robert S Duck Register
at

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

ELIJAH Y. ARMACOST,
 Complainant,
 -vs-
 Bessie Armacost,
 Respondent.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.
BILL OF COMPLAINT.

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

PART ONE.

YOUR COMPLAINANT respectfully shows to Your Honor that he is over the age of twenty-one years and a resident of Baldwin County, State of Alabama, residing at Elberta therein, with the bona fide intention of making the same his permanent home and that he has there resided for more than six years immediately prior to filing this his bill of complaint; that the Respondent Bessie Armacost is also over the age of twenty-one years, but a non-resident of the State of Alabama, residing in the State of Ohio, at 61 East Clifton Avenue in the City of Cincinnati therein.

PART TWO.

Your complainant further avers:

1: That he was legally married to the respondent in Georgetown, Ohio, on the 15th day of July, 1903, and ever since said marriage he has conducted himself towards the respondent as a faithful, kind and provident husband.

2: That the issue of the marriage between complainant and respondent is three children, all of whom are now of age and self-supporting.

3: That in the month of August, 1925, and more than two years immediately preceeding the filing of this bill of complaint, the respondent did voluntarily abandon the bed and board of your complainant and such abandonment has now continued for almost ten years, wherefore your complainant desires a divorce from the respondent.

PRAYER FOR PROCESS.

WHEREFORE your complainant prays that Your Honor

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 145 fall Term, 1923 35

Elijah Armacost

Complainant

vs.

Bessie Armacost

Defendant

In this cause it appears to the Register, Robert S. Duck, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the

6th day of August, 1925, in the Foley Onlooker

a newspaper published in Foley Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 5th day of

August 1925, and notice by registered mail was sent to 61 East Clifton Avenue, Cincinnati, Ohio, that being her last known address, and same was returned unclaimed

And it now further appearing to the Register Robert S. Duck, that the said Bessie Armacost

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, therefore, on motion of 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 Bessie Armacost

This 7th day of October 1925

Robert S. Duck

Register.

NOTICE TO NON-RESIDENT.

Moore Ptg. Co—Bay Minette.

Elijah Y. Armacost,
 No. _____

 vs.
Bessie Armacost

The State of Alabama,

Baldwin County.

 Circuit Court, in Equity.
 This the 6th day of
August, ~~1935~~ ~~192~~

In this cause it being made to appear to the Clerk of this Court by the affidavit of

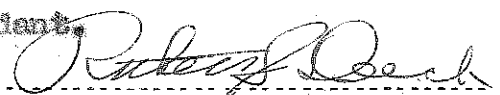
Elijah Y. Armacost,

that the Defendant Bessie Armacost

is a non-resident of the State of Alabama and that notice by registered
 mail which was sent to 61 East Clifton Avenue, Cincinnati, Ohio,
 that being her last known address, was returned unclaimed

and further, that, in the belief of said Affiant the Defendant is over the age of 21
 years; it is, therefore, ordered that publication be made in the Foley Outlook
Foley ~~Baldwin Times~~, a newspaper publish-
 ed in Bay Minette Baldwin County, Alabama, once a week for four consecutive weeks, requiring
 the said Bessie Armacost

to answer or demur to the Bill of Complaint in this cause by the 5th day of
September, ~~1935~~ ~~1935~~, or after thirty days therefrom a decree Pro Confesso may be
 taken against Bessie Armacost, the said Defendant.


 Register.

ELIJAH Y. ARMACOST,
Complainant,
- vs -
BESSIE ARMACOST,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AFFIDAVIT

STATE OF ALABAMA }
BALDWIN COUNTY }

Elijah Y. Armacost, being first duly sworn on his oath
deposes and says:-

That he has lived separate and apart from the above
named respondent for a number of years but has always under-
stood and believed her address and place of residence to
be as set out in the Bill of Complaint, 61 East Clifton
Avenue, Cincinnati, Ohio.

That the summons and copy of complaint mailed to the
respondent at that address has been returned unclaimed
and affiant avers that if the respondent is not a resident
at such address he does not know what her address or
place of residence is, and therefore states that said res-
pondent is a non-resident of the State of Alabama, and that
her place of residence is unknown to him.

WHEREFORE, affiant prays that service upon the res-
pondent may be made by publication as provided by law.

Elijah Y. Armacost

Subscribed in my presence and sworn to before me this

5 day of August, 1935.

Steph Tomagney
Notary Public

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

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Bessie Arzacost,

61 East Clifton Avenue,
Cincinnati, Ohio.

of _____ 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

Rlijah V. Arzacost,

against said Bessie Arzacost,

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 12th day of July 1935

_____ Register

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

THE STATE OF ALABAMA, }
Baldwin County.

No. 145

Circuit Court, In Equity

Elijah Y. Armacost

Complainant

vs.

Bessie Armacost

Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant.

On account of Abandonment

It is further ordered that the said Elijah Y. Armacost be, and he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Elijah Y. Armacost pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may be issued against the said Bessie Armacost.

It is further ordered, adjudged and decreed that said Elijah Y. Armacost shall not again marry except to said Bessie Armacost until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Bessie Armacost during the said pendency of appeal

This 11th day of October 1935

J. W. Hare

Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA, }
Baldwin County.

Circuit Court, In Equity.

I, Robert S. Duck, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the 11th day of October 1935 in the cause of

Elijah Y. Armacost

Complainant

vs.

Bessie Armacost

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the

day of October 1935

Register

RECORDED
INDEXED
Nov 2
187

145

No. 145

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY
Baldwin County, Ala.

Eljah Y. Armacost

VS.

Bessie Armacost

DECREE OF DIVORCE

Filed in office this

day of 193

REGISTER

H. O. M.

MOORE PRINTING CO., BAY MINETTE, ALA.

145
A. H. [Redacted] [Redacted]
A. H. [Redacted]

Serve on _____

Circuit Court of Baldwin County
IN EQUITY

No. _____

S U M M O N S

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with _____

vs.

Defendant

Sheriff

By _____

Deputy Sheriff

Solicitor for Complainant

Recorded in Vol. _____ Page _____

145 RECORDED
Jan 21

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

ELIJAH Y. ARMACOST,

Complainant,

-VS-

BESSIE ARMACOST,

Respondent.

AFFIDAVIT

Filed this 6 day of August 1931
W. A. Foley
Clerk-Register

LLOYD A. MAGNEY
Attorney
Foley, Alabama.

145

145
RECORDED
and

Armaeost vs. Armaeost,

ORDER OF PUBLICATION

FILED ONLOOKER

Issued August 6th, 1935.

RECORDED
INDEXED
145

No. 145

Page 6 of 117

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

Ellijah Y. Armagost

vs.

Bessie Armagost

DECREE PRO CONFESSO
OF PUBLICATION

Issued *Robert D. Dyer* 1931

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Company, Bay Minette, Ala.

145

Serve on Bessie Armacost

**Circuit Court of Baldwin County
IN EQUITY**

No. 145

SUMMONS

Elijah Y. Armacost,

vs.

Bessie Armacost,

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with

Defendant

Sheriff

By _____
Deputy Sheriff

Lloyd A. Magney,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

ELIJAH Y. ARMACOST,
 Complainant,
 -vs-
 Bessie Armacost,
 Respondent.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.

BILL OF COMPLAINT.

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

PART ONE.

YOUR COMPLAINANT respectfully shows to Your Honor that he is over the age of twenty-one years and a resident of Baldwin County, State of Alabama, residing at Elberta therein, with the bona fide intention of making the same his permanent home and that he has there resided for more than six years immediately prior to filing this his bill of complaint; that the Respondent Bessie Armacost is also over the age of twenty-one years, but a non-resident of the State of Alabama, residing in the State of Ohio, at 61 East Clifton Avenue in the City of Cincinnati therein.

PART TWO.

Your complainant further avers:

1: That he was legally married to the respondent in Georgetown, Ohio, on the 15th day of July, 1903, and ever since said marriage he has conducted himself towards the respondent as a faithful, kind and provident husband.

2: That the issue of the marriage between complainant and respondent is three children, all of whom are now of age and self-supporting.

3: That in the month of August, 1925, and more than two years immediately preceding the filing of this bill of complaint, the respondent did voluntarily abandon the bed and board of your complainant and such abandonment has now continued for almost ten years, wherefore your complainant desires a divorce from the respondent.

PRAYER FOR PROCESS.

WHEREFORE, your complainant prays that Your Honor

will grant to him the Writ of Summons of the State of Alabama, commanding the said Bessie Armacost to appear within thirty days from the service of the same and to abide such order or decree as may be made herein; that your Honor will direct the Register of this Court to cause said summons and a copy of the Bill of Complaint to be served upon said Respondent Bessie Armacost by registered mail as by law provided.

PRAYER FOR RELIEF.

Your Complainant further prays that upon a hearing hereon, your Honor will grant to him a decree of absolute divorce from the Respondent Bessie Armacost, and that he may have such other, further and different relief in the premises as may be just and equitable; and your Complainant will ever pray, &c.

John Armacost
Solicitor for Complainant.

FOOT NOTE.

The Respondent Bessie Armacost is hereby required to answer the allegations of Part Two of the foregoing Bill of Complaint, from paragraphs numbered one to three, both inclusive, but not under oath, oath to answer being hereby expressly waived.

[Signature]

145

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

LIJAH Y. ARMACOST,
Complainant,

--vs--

BESSIE ARMACOST,
Respondent.

COPY OF BILL OF COMPLAINT.

Filed July 12, 1935
Robert S. Duck
Registrator

Lloyd A. Magney, Foley, Alabama,
Solicitor for Complainant.