

The State of Alabama, Baldwin County

Circuit Court, In Equity

GEORGIA RUBY GARDNER

, Complainant

vs.

EARL GARDNER

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication 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 Georgia Ruby Gardner is forever divorced from the said Earl Gardner for and on account of Cruelty

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the care, custody and control of the minor child of the marriage, namely Joseph Earl Gardner, is awarded to Georgia Ruby Gardner, the complainant.

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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Earl Gardner

the respondent pay the cost herein to be taxed, for which execution may issue.

This 7th day of August, 1950.

J. J. [Signature]
Judge Circuit Court, In Equity

I, _____ Register of the Circuit

Court of 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.

RECORDED

No. 2570 Page 25

The State of Alabama
Baldwin County

In Circuit Court, In Equity

GEORGIA RUBY GARDNER
Complainant

vs.

EARL GARDNER

Respondent

DIVORCE DECREE

FILED
AUG 7 1950
ALICE J. DUCK, Register

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

GEORGIA RUBY GARDNER

Complainant.

VS.

EARL GARDNER

Respondent.

I, Lorna Underwood

as Register and Commissioner in chancery

have called and caused to come before me Georgia Ruby Gardner and Mrs. John L. Floyd.

witnesses named in the Requirement for Oral Examination, on the 3rd day of August 1950, at the office of C. G. Chason in Foley, Alabama, and having first sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, the said Georgia Ruby Gardner and Mrs. John L. Floyd doth depose and say as follows:

TESTIMONY OF GEORGIA RUBY GARDNER:

My name is Georgia Ruby Gardner; I am over the age of twenty-one years and a bona fide resident citizen of Baldwin County, Alabama; having been such a resident citizen for more than one year before the filing of my bill of complaint for divorce; Earl Gardner is over the age of twenty-one years and is a non-resident of the State of Alabama, his present address being to me unknown; we were married on April 28, 1947; during the time that we were living together as man and wife, Earl Gardner beat me with his fists and committed other actual violence on me attended with danger to my life or health and has on many occasions threatened to do me other and further physical harm so much so that I feared for my life if I continued to reside with him; there was born of this marriage one child, Joseph Earl Gardner, age two and one-half years, who has been in my complete custody and control since the separation from my husband, which took place in February of 1950; I have requested custody and control from the Court.

Georgia Ruby Gardner

ORAL EXAMINATION.

I, Lorna Underwood, as Register and Commissioner hereby certify that the foregoing deposition S. 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 presense of myself and C. G. Chason 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 3rd day of August 1925

Lorna Underwood (L. S.)

NO. 2672 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

GEORGIA RUBY GARDNER

vs. Complainant

EARL GARDNER

Respondent.

Oral Deposition

Filed 7-8, 1925

Recorded in

Miss J. L. Underwood Register.

Record

Vol. Page

Register

TESTIMONY OF MRS. JOHN L. FLOYD:

My name is Mrs. John L. Floyd; I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama; I am personally acquainted with Georgia Ruby Gardner and Earl Gardner and to my own actual knowledge Earl Gardner has on many occasions beat Georgia Ruby Gardner so that she was bruised and injured; I also know that he has made numerous threats on her life; they were separated in February of 1950 and their child, Joseph Earl Gardner, age two and one-half, has been in the care and control of Georgia Ruby Gardner since that time.

Mrs. J. L. Floyd

THE STATE OF ALABAMA, }
Baldwin County

CIRCUIT COURT

TO Lorna Underwood

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 Georgia Ruby Gardner and Mrs. John L. Floyd

as witnesses in behalf of Georgia Ruby Gardner in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Georgia Ruby Gardner is

Complainant
and Earl Gardner 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 1st day of August, 19 50.

Archie J. Smith
REGISTER

Commissioner's Fee \$ 5.00

Witness' Fees, \$ _____

NO. ~~1000~~
THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

GEORGIA RUBY GARDNER

Complainant

vs.

EARL GARDNER

Defendant

Commission To Take Deposition

COMMISSIONER:

Lorna Underwood

Witnesses:

Georgia Ruby Gardner

Mrs. John L. Floyd

GEORGIA RUBY GARDNER

vs.

EARL GARDNER

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

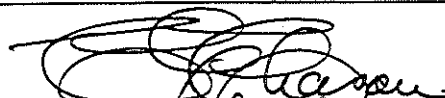
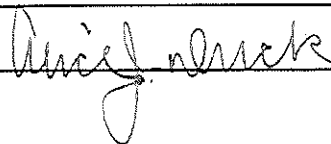
This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____

Motion for Decree Pro Confesso on Publication, Decree Pro

Confesso of Publication, and Testimony of Georgia Ruby

Gardner and Mrs. John L. Floyd

and in behalf of Defendant upon _____


Plaintiff
Register.

No. 2520 **RECORDED**

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

GEORGIA RUBY GARDNER

vs.

EARL GARDNER

NOTE OF TESTIMONY

Filed in Open Court this 7th

day of Aug., 1947

Arthur J. French
Register.

Printed By The Baldwin Times

LEGAL NOTICE

NOTICE TO NON-RESIDENT
Georgia Ruby Gardner, Com-
plainant, vs. Earl Gardner, Re-
spondent.

In the Circuit Court of Baldwin
County, Alabama, in Equity.

In this cause it being made to
appear to the Clerk of this Court
the affidavit of Georgia Ruby
Gardner, the complainant, that the
respondent, Earl Gardner, is a non-
resident of the State of Alabama
and that his post office address is
unknown and cannot be ascertain-
ed, it being further shown by said
affidavit that the defendant is over
the age of twenty-one 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 Earl Gardner to
appear, answer or demur to the Bill
of Complaint filed in this cause by
the 19th day of June, 1950, or fat-
thirty (30) days thereafter a
default pro confesso may be taken
against him.

ALICE J. DUCK,
Attorney for Complainant.
Register.

5-25-4t

AFFIDAVIT OF PUBLICATION

I, Earl Gardner

Publisher 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, com-
mencing with the issue dated May 25, 1950, and
ending with the issue dated June 15, 1950.

Subscribed and sworn to before me this 20 day
of June, 1950.

[Signature]
Notary Public.

NOT COMMISSION EXPIRES AUGUST 14, 1951

THE FOLEY ONLOOKER

BALDWIN NEWS-HERALD

FOLEY, ALA., June 20 1950

HOWELL PUBLISHING CO.

HIGH QUALITY JOB PRINTING

Alice J. Duck

Bay Minette, Ala.

Brought Forward

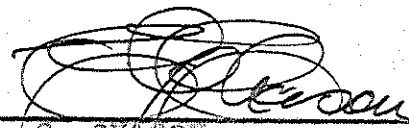
| | | | |
|------|----|--------------|----------|
| May | 25 | Legal | |
| June | 1 | notice | |
| " | 8 | for | |
| " | 15 | Ruby Gardner | \$ 7. 61 |

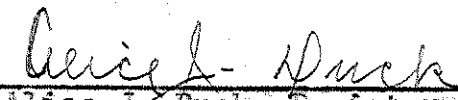
FILED
JUN 18 1950
CLERK OF DISTRICT COURT

40575

| | | |
|-----------------------|--|-------------------------|
| GEORGIA RUBY GARDNER, | | |
| Complainant, | | IN THE CIRCUIT COURT OF |
| -VS- | | BALDWIN COUNTY, ALABAMA |
| EARL GARDNER, | | IN EQUITY |
| Respondent. | | |

In this cause it being made to appear to the Clerk of this Court by the affidavit of Georgia Ruby Gardner, the complainant, that the respondent, Earl Gardner, is a non-resident of the State of Alabama and that his post office address is unknown and cannot be ascertained; it being further shown by said affidavit that the defendant is over the age of twenty-one 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 Earl Gardner to plead, answer or demur to the Bill of Complaint filed in this cause by the 19th day of June, 1950, or after thirty (30) days thereafter a decree pro confesso may be taken against him.


C. G. CHASON,
Attorney for Complainant


Alice J. Duck, Register

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Cecil G. Chason, a Notary Public in and for said County in said State, personally appeared Georgia Ruby Gardner, who is known to me, and who after being by me first duly and legally sworn, deposes and says under oath as follows:-

That my name is Georgia Ruby Gardner and I am over the age of eighteen years and a resident of Foley, Baldwin County, Alabama, having been such a resident for over one year; that my husband, Earl Gardner is not a resident of the State of Alabama; that I have not heard from him for over three months, at which time, I heard that he was in Pensacola; that his post office address was unknown to me; that his post office address is still unknown to me as is his place of residence; that I have made diligent inquiry in an attempt to learn his residence and post office address but have been unable to do so; that this affidavit is made in order to obtain service by publication in accordance with the equity rules of the State of Alabama.

Georgia Ruby Gardner

Sworn to and subscribed before me,
a Notary Public, on this the 16th
day of May, 1950.

Cecil G. Chason
Notary Public, Baldwin County
State of Alabama

GEORGIA RUBY GARDNER, |
 | IN THE CIRCUIT COURT OF
 | BALDWIN COUNTY, ALABAMA
-vs- |
EARL GARDNER, | IN EQUITY
 |
Respondent. |

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, Sitting in Equity:

Your complainant, Georgia Ruby Gardner, respectfully represents and shows unto your Honor:-

1. That complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bona fide resident of said State for more than one year next preceding the filing of this Bill of Complaint; that Earl Gardner is over the age of twenty-one years and is not a resident of Baldwin County, Alabama, and whose place of residence is unknown to your complainant.

2. That your complainant and respondent were lawfully married on or about, to-wit, April 28, 1947.

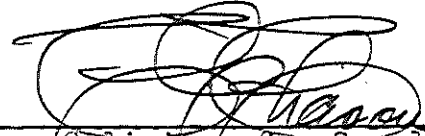
3. Your complainant avers and charges that the said respondent did assault, beat, hit and strike complainant; that said respondent has committed actual violence on her person attended with danger to her life or health; complainant avers and charges that respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her, she is reasonably convinced that he will commit an actual violence upon her person, attended with danger to her life or health.

4. Complainant shows that there was born unto your complainant and respondent of this marriage one child, Joseph Earl Gardner, age two and one-half years, which said child is in the custody and control of your complainant, and of which said child complainant desires custody and control.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED: Your complainants prays that Earl Gardner be made a party defendant to this cause by the usual process of this Honorable Court requiring him to plead, answer or demur within the time and under the penalties prescribed by the rule

of this Court and the statutes in such cases made and provided;
that service be had upon the said respondent by publication in com-
pliance with Equity Rule 6; that upon a final hearing of this cause
that your complainant be granted a divorce from said respondent,
and that she be granted custody of Joseph Earl Gardner. Should
your complainant be mistaken in the relief prayed for, that there
be granted to her such other, different and general relief to
which she may be entitled and as in duty bound she will ever pray



Solicitor for Complainant

GEORGIA RUBY GARDNER,

Complainant,

-vs-

EARL GARDNER,

Respondent.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

MOTION FOR SERVICE ON NON-RESIDENT DEFENDANT BY PUBLICATION

Comes the complainant in the above entitled cause and show unto this Honorable Court that affidavit has been made as required by law showing the respondent to be a non-resident of the State of Alabama and showing his place of residence to be unknown, wherefore motion is hereby made and complainant prays that the Court will make and enter an order of publication authorizing and directing service upon said non-resident defendant through publication once a week for four consecutive weeks in the Foley Onlooker, a newspaper published in Baldwin County, Alabama, and shall order a copy of said notice to be posted at the door of the Courthouse of Baldwin County, Alabama, all as provided by law in such cases.



Solicitor for Complainant

RECORDED
No 2476
MOTION FOR SERVICE ON NON-
RESIDENT DEFENDANT BY PUBLICA-
TION.

GEORGIA RUBY GARDNER,

Complainant,

-VS-

EARL GARDNER,

Respondent.

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

FILED

MAY 24 1950

ALICE J. DUCK, Register

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

GEORGIA RUBY GARDNER

Complainant_____

Vs.

EARL GARDNER

Defendant_____

Motion is hereby made for a Decree Pro Confesso against Earl Gardner

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 1st day of August 19 50

746 Code

 Solicitor.

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

GEORGIA RUBY GARDNER

Complainant _____

Vs.

EARL GARDNER

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed 8-7 1930

Henry J. Leitch
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

GEORGIA RUBY GARDNER

Complainant

Vs.

EARL GARDNER

Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the _____ day of _____, 19____, in the Foley Onlooker a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in _____ County, on the _____ day of _____ 194____ and _____

And it now further appearing to the Register Alice J. Duck that the said

Earl Gardner

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 Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Earl Gardner

This 3rd day of August 1950

Alice J. Duck Register.

RECORDED

No. 2576

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

GEORGIA RUBY GARDNER

Vs.

EARL GARDNER

Decree Pro Confesso of Publication

Issued _____ 19____

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Co., Bay Minette, Ala.

2476