

BEATRICE FOX,
 Complainant,
 VS.
 N. DuCALION FOX,
 Respondent.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.
 IN EQUITY. NO. 935.

FINAL DECREE.

This cause coming on to be heard on this date is submitted for final decree on the original Bill of Complaint, Order of Publication, Proof of Publication, Motion for Decree Pro Confesso, Decree Pro Confesso against the Respondent, N. DuCalion Fox and the testimony as noted by the Register, upon consideration of all of which the Court is of the opinion that the Complainant is entitled to the relief prayed for in her said Bill of Complaint; whereupon, it is therefore ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the bonds of matrimony heretofore existing between the Complainant and the Respondent be and the same are hereby dissolved and the Complainant is forever divorced from the Respondent on the ground of abandonment.

2. That the Complainant be and she is hereby permitted to again contract marriage.

3. That the said Complainant shall not marry, except to the said Respondent, until sixty days after this date and that if an appeal is taken within sixty days, she shall not again marry except to the said Respondent during the pendency of the said appeal.

4. That the Complainant be and she is hereby permitted to resume the use of her former name of Beatrice Walker.

5. That the costs of this cause be and they are hereby taxed against the Complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED at Monroeville, Alabama on this the 22nd day of July, 1943.

J. W. Hare
 Judge.

BEATRICE FOX,
Complainant,
VS.
N. DuCALION FOX,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 935.

NOTE OF TESTIMONY.

This cause is submitted on behalf of the complainant upon the following:

1. Original Bill of Complaint.
2. Order of Publication.
3. Proof of Order of Publication.
4. Motion for Decree Pro Confesso.
5. Decree Pro Confesso against the respondent, N. DuCalion Fox.
6. Oral Deposition of Beatrice Fox, taken before Ora S. Nelson, Commissioner.

Dated this 21st day of July, 1943.

K. Hillier

Register.

J. B. Blackburn

Solicitor for Complainant.

BEATRICE FOX

Complainant,

VS.

N. DuCALION FOX,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER ____.

DECREE PRO CONFESSO ON PUBLICATION

In this cause it appears to the Register that the Order of Publication heretofore made in this cause was published for four consecutive weeks commencing on the 13th day of May, 1943, in the Fairhope Courier, a newspaper published at Fairhope, in Baldwin County, Alabama; that a copy of the said Order was, on the 10th day of May, 1943, posted at the front door of the Court House of Baldwin County, Alabama and it now further appearing to the Register that the said Respondent, N. DuCalion Fox has to the date hereof failed to plead, answer or demur to the Bill of Complaint in this cause, it is therefore, on motion of Complainant, ORDERED AND DECREED by the Register that the said Bill of Complaint be and it hereby is in all things taken as confesses against the said Respondent, N. DuCalion Fox.

Witness my hand and seal this 17th day of July, 1943.



Register.

BEATRICE FOX,

Complainant,

VS.

N. DuCALION FOX,

Respondent.

IN THE CIRCUIT COURT OF

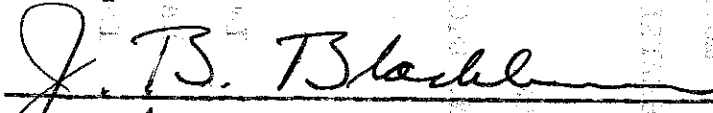
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER ____.

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against N. DuCalion Fox, on the ground that he is a non-resident of the State of Alabama; that an order of publication requiring him to appear and plead, answer or demur to the Bill of Complaint in this cause before June 15, 1943, or that at the expiration of thirty days from the said date a Decree Pro Confesso would be taken against him, was published once a week for four consecutive weeks in the Fairhope Courier, a newspaper published at Fairhope, in Baldwin County, Alabama, the said notice appearing in the issues of said paper of May 13, 1943, May 20, 1943, May 27, 1943 and June 3, 1943, and that a copy of the said Order was on the 10th day of May, 1943, posted at the front door of the Court House of Baldwin County, Alabama, and more than thirty days has elapsed since June 15th, 1943, and the said Respondent has failed to appear and plead, answer or demur to the Bill of Complaint filed against him in this cause:

WHEREFORE Complainant moves that a Decree Pro Confesso be issued against the said Respondent.


Solicitor for Complainant.

ORDER OF PUBLICATION

BEATRICE FOX,

Complainant,

vs.

N. DuCALION FOX,


Respondent.

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

It being made to appear in the above cause from the complainant's sworn Bill of Complaint that N. DuCalion Fox, the said respondent, is over twenty-one years of age and a non-resident of the state of Alabama, whose place of residence and post office address is unknown and cannot be ascertained after diligent inquiry; it is, therefore, ORDERED, ADJUDGED AND DECREED that the said respondent, N. DuCalion Fox, appear in this court and answer or plead to the Bill of Complaint in this cause before the 15th day of June, 1943, or upon his failure so to do, at the expiration of thirty days from the said date a decree pro confesso will be taken against him.

It is further Ordered, Adjudged and Decreed that the Register of this Court have this order published with as little delay as possible in the Fairhope Courier, a newspaper published at Fairhope, in Baldwin County, Alabama, once a week for four consecutive weeks, and further that within twenty days from the making of this order, he post a copy of this order at the front door of the Court House of Baldwin County, Alabama.

ORDERED, ADJUDGED AND DECREED this 10th day of May,
1943.


R. S. DUCK,
Register of the Circuit Court of
Baldwin County, Alabama, in Equity.

J. B. BLACKBURN,
Attorney for Complainant.

THE STATE OF ALABAMA,
Baldwin County

}

CIRCUIT COURT

TO Ora S. Nelson

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 Beatrice Fox

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Beatrice Fox

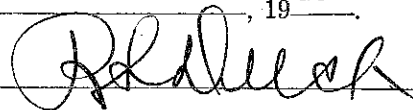
is Complainant and N. DuCalion Fox is

Defendant,

on oath to be by you administered, upon her

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

Witness 17th day of July, 1943.



REGISTER

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

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

Your Oratrix, Beatrice Fox, presents this Bill of Complaint against N. DuCalion Fox and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix is over twenty-one years of age and a bona fide resident citizen of Baldwin County, Alabama, where she has resided continuously for more than one year next preceding the filing of this Bill of Complaint. The Respondent, N. DuCalion Fox, is over twenty-one years of age and is a non-resident of the State of Alabama, whose place of residence and post office address is unknown and cannot be ascertained after diligent inquiry. The said Respondent is not in the military service of the United States.

2. Your Oratrix and the said Respondent were lawfully married at Crown Point, Indiana on December 24, 1938 and lived together as man and wife until on, to-wit, January 25, 1939, when the said Respondent voluntarily abandoned the bed and board of your Oratrix without fault on her part. Your Oratrix has lived separate and apart from the said Respondent from the time that he abandoned her on the said date.

3. The name of your Oratrix prior to the said marriage was Beatrice Walker.

PRAYER FOR PROCESS

Your Oratrix prays that the Court will take jurisdiction of the cause made by this Bill of Complaint and that due notice thereof be given to the Respondent, N. DuCalion Fox, in the form and manner prescribed by law, requiring him to plead, answer or demur to the said Bill of Complaint within the time and under the pains and penalties prescribed by law and the practice of this honorable Court.

PRAYER FOR RELIEF

THE PREMISES CONSIDERED, your Oratrix respectfully prays that the bonds of matrimony now existing between your Oratrix

and the said N. DuCalion Fox be dissolved and that your Oratrix be divorced from him and that your Oratrix be given the right to resume the use of her former name, which was Beatrice Walker.

Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to, the premises considered.

Respectfully submitted,

J. T. Blackburn
Solicitor for Oratrix.

STATE OF ALABAMA, |

BALDWIN COUNTY. |

Before me, the undersigned authority, within and for said County in said State, personally appeared Beatrice Fox, who, after being by me first duly and legally sworn, deposes and says that she has read over the foregoing Bill of Complaint and that the allegations contained therein are true.

x Beatrice Fox

Sworn to and subscribed before
me on this the 7th day of May, 1943.

J. T. Blackburn
Notary Public, Baldwin County, Alabama.

THE STATE OF ALABAMA
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

BEATRICE FOX

COMPLAINANT

VS.

N. DuCALION FOX

RESPONDENT

I, Ora S. Nelson

as ~~Register and~~ Commissioner

have called and caused to come before me Beatrice Fox

witness— named in the Requirement for Oral Examination, on the 20th day of July

19 43, at the office of J. B. Blackburn

in Bay Minette, Alabama, and having first sworn said witness— to speak the truth,

the whole truth, and nothing but the truth, the said Beatrice Fox

doth depose and say as follows:

My name is Beatrice Fox. I am over twenty-one years of age and a bona fide resident citizen of Baldwin County, Alabama. I have resided in Baldwin County, Alabama for many years and have resided here continuously for more than one year next preceding the filing of the Bill of Complaint in this suit.

The Respondent, N. DuCalion Fox, is over twenty-one years of age and a non-resident of the State of Alabama. His place of residence is unknown and could not be ascertained by me after I made a diligent inquiry to ascertain his place of residence and post office address. His age is such that he is not in the military service of the United States.

I was married to the Respondent, N. DuCalion Fox at Crown Point, Indiana, on December 24, 1938 and we lived together as man and wife until about January 25, 1939 when he voluntarily abandoned me without fault on my part. I have lived separate and apart from the said N. DuCalion Fox since January 25, 1939. My name prior to the said marriage to N. DuCalion Fox was Beatrice Walker.

I have read over the Bill of Complaint that was filed by me in this cause and all of the allegations contained therein are true.

Beatrice Fox

ORAL EXAMINATION

I, Ora S. Nelson, as ~~Register~~ and Commissioner hereby certify that the foregoing deposition— on Oral Examination was taken down in writing by me in the words of the witness— and read over to her and she signed the same in the presence of myself and J. B. Blackburn

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness— or had proof made before me of the identity of said witness—; 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 20th day of July, 1943.

Ora S. Nelson (L. S.)

No. 935 Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

BEATRICE FOX,

Complainant

Vs.

N. DuCALION FOX,

Respondent

ORAL DEPOSITION

Filed Sept 21, 1943
R. D. Reed Register

RECORDED IN _____
Record _____

Vol. _____ Page _____
Register _____

THE FAIRHOPE COURIER

E. B. GASTON ESTATE, PUBLISHER

A PROGRESSIVE PAPER FOR PROGRESSIVE PEOPLE

ESTABLISHED 1894

FAIRHOPE, ALABAMA

This is to certify that the attached legal notice appeared in the following issue of the Fairhope Courier, a newspaper published in Fairhope, Baldwin County Ala.:
May 13, 20, 27 June 3, 1943.

Frances G. Crawford

Frances G. Crawford,
Ed. Fairhope Courier

State of Alabama
Baldwin County

Subscribed & sworn to this
3rd day of July, 1943, before me

E. Kramer

Notary Public
Baldwin County, Ala

Notice to Non-Residents

Beatrice Fox, Complainant

vs.

N. DuCailon Fox, Respondent
In the Circuit Court of Baldwin County, Alabama in Equity.

It being made to appear in the above cause from the complainant's sworn Bill of Complaint that N. DuCailon Fox, the said respondent, is over twenty-one years of age and a non-resident of the State of Alabama, whose place of residence and post office address is unknown and cannot be ascertained after diligent inquiry; it is therefore, Ordered, Adjudged And Decreed that the said respondent, N. DuCailon Fox, appear in this court and answer or plead to the Bill of Complaint in this cause before the 15th day of June, 1943, or upon his failure so to do, at the expiration of thirty days from the said date a decree pro confesso will be taken against him.

It is further Ordered, Adjudged and Decreed that the Register of this Court have this order published with as little delay as possible in the Fairhope Courier, a newspaper published at Fairhope, in Baldwin County, Alabama, once a week for four consecutive weeks and further that within twenty days from the making of this order, he post a copy of this order at the front door of the Court House of Baldwin County, Alabama.

Ordered, Adjudged and Decreed this 10th day of May, 1943.

R. S. Duck, Register of
the Circuit Court of Baldwin County, Alabama, in
Equity.

J. B. Blackburn, Attorney for
Complainant.

40-41

Fairhope, Alabama

June 30

1943

M

R. L. Dink

IN ACCOUNT WITH

The Fairhope Courier

E. B. GASTON ESTATE
Publisher

Advertising and Commercial Printing

Rates on application

Legal notice of 244
vs. R. D. Smith
vs. N. D. Smith in
issues of May 13-20-27
June 3-

#10-98

NO. _____

THE STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

BEATRICE FOX,

Complainant

VS.

N. DUCALTON FOX,

Defendant

Commission To Take Deposition

COMMISSIONER:

Witnesses:

RECORDED

NOTE OF TESTIMONY

BEATRICE FOX,

Complainant,

VS.

N. DUCALION FOX,

Respondent.

**IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 935.**

THIS CASE IS SET FOR HEARING ON JULY 1, 1935.

- 1. That the Respondent is the father of the Complainant.
- 2. That the Respondent is the father of the Complainant.
- 3. That the Respondent is the father of the Complainant.
- 4. That the Respondent is the father of the Complainant.
- 5. That the Respondent is the father of the Complainant.

THE FOLLOWING IS THE TESTIMONY:

THE COURT IS ADVISED ON BEHALF OF THE COMPLAINANT

NOTE OF TESTIMONY

BEATRICE FOX,
Complainant,
VS.
N. DUCALION FOX,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 935.

RECORDED

DECREE PRO CONFESSO ON PUBLICATION
BERNICE FOX,

Complainant,

VS.

N. DUCALION FOX,

Respondent.

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

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BERNICE FOX
N. DUCALION FOX
AB
COMPLAINANT
BERNICE FOX

IN EQUITY
BALDWIN COUNTY, ALABAMA
IN THE CIRCUIT COURT OF