

# The State Of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

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nsideration there r in said bill.	eof, the Court	is of the op	inion that the Compl	ainant is entitled to the relief prayer that the bonds of matrimony her
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VS.

Myrtice Devenport Sanders, Respondent. IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

TO HONORABLE F. W. HARE, JUDGE OF SAID COURT:-

Complainant, Henry Lee Sanders, brings and exhibits this this bill of complaint against respondent, Myrtice Devenport Sanders, and in support thereof respectfully shows and represents unto your Honor the following facts, to-wit:

#### FIRST.

years of age, and a resident of Baldwin County, Alabama; that complainant has been a bona fide resident of the State of Alabama for more than one year next before the filing of this bill of complaint. That respondent, Myrtice Devenport Sanders, is over twenty-one years of age; that respondent's whereabouts or place, is unknown to complainant, and cannot be ascertained after reasonable effort.

#### SECOND.

That complainant, Henry Lee Sanders, and respondent, Myrtice Devenport Sanders, were legally married to each other in Opelika, Lee County, Alabama, some time during the month of October, 1941; that there are no children the issue of said marriage.

#### THIRD.

That complainant, Henry Lee Sanders, and respondent, Myrtice Devenport Sanders, lived together as man and wife until to-wit, July, 1942, at which time and for to-wit, four months prior thereto respondent, Myrtice Devenport Sanders, became addicted to habitual drunkenness; that while drunk or in an intoxicated condition respondent would abuse complainant, find fault with him and become irritable, fussy, nervous and very disagreeable. That due to respondent's addiction to habitual drunkenness since complainant's marriage to her, and in Atlanta,

Georgia, and to-wit, during the month of July, 1942, complainant ceased to live with respondent as her husband. Complainant charges respondent with becoming addicted after her marriage to him to habitual drunkenness.

#### PRAYER FOR PROCESS.

To the end, therefore, that equity may be done in the premises complainant, Henry Lee Sanders, prays that the said Myrtice Devenport Sanders be made a party respondent to this bill of complaint by publication as provided for and authorized by Equity Rule Six, Sub-division "AB, ordering and directing her as such respondent to answer, plead to or demur to this bill of complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

#### PRAYER FOR RELIEF.

Theppremises considered complainant, Henry Lee Sanders, further prays that upon a final hearing of this cause your Honor will grant him a divorce forever dissolving and annulling the bonds of matrimony heretofore subsisting between complainant and said respondent, Myrtice Devenport Sanders, and that complainant be granted and given the right and privilege of marrying again should he desire or elect so to do. And complainant prays for such other, further, different, additional and general relief as in equity and good conscience he may be entitled. And complainant will ever pray, etc.

( See affidavit on next page)

#### AFFIDAVIT THAT RESPONDENT'S PLACE OF RESIDENCE IN UNKNOWN.

Henry Lee Sanders, Complainant,

VS.

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

Myrtice Devenport Sanders, Respondent.

Before me, L. A. Hixon, Clerk of the Circuit Court of Monroe County, Alabama, personally appeared J. D. Ratcliffe, known to me, who, being by me first duly sworn deposes and says:

That he is solicitor of record and agent for Henry Lee Sanders, the complainant in the above and foregoing entitled cause, and, as such solicitor of record and agent, he has full power and authority to make this affidavit; that the whereabouts and place of residence of Myrtice Devenport Sanders, the respondent in the above and foregoing entitled cause, are unknown to affiant and to complainant and the same cannot be ascertained after reasonable effort and diligent inquiry; that in the belief of affiant the said Myrtice Devenport Sanders is over twentyone years of age.

Sworn to and subscribed before me this the 11th

day of May, 1943.

County, Alabama.

VS.

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

Myrtice Devenport Sanders, Respondent.)

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that on the affidavit of J. D. Ratcliffe, as solicitor of record and agent of Henry Lee Sanders, complainant in the above and foregoing entitled cause, and on, to-wit, the 12 day of May, 1943, an order of publication was made to Myrtice Devenport Sanders, respondent to said cause, whose whereabouts and place of residence are unknown to affiant and complainant, and cannot be ascertained after reasonable effort and diligent inquiry, a copy of which said order of publication is here to attached, was duly and regularly made and published in The Baldwin Times, a newspaper published in Baldwin County, Alabama, for four successive weeks as follows, to-wit: May 13th., 1943; May 20th., 1943; May 27th., 1943; and June 3rd., 1943; that a copy of said order of publication was posted up at the court house door of Baldwin County, Alabama, on the 12 day of May, 1943, the day and date said order of publication was made, in all respects as required by law.

Witness my hand, this the 40 day of June, 1943.

Register, Circuit Court, Baldwin County,

VS.

Myrtice Devenport Sanders, Respondent. IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

Comes Henry Lee Sanders, complainant in the above and foregoing entitled cause, and shows to the court that service by publication has been perfected on Myrtice Devenport Sanders, respondent to said cause, for more than thirty days prior to this date in all respects as required by law, as shown by the certificate of the Register of this court filed in this cause on, to-wit, the day of June, 1943; that said respondent has failed to this date to answer, plead or demur to the bill of complaint filed against her in this cause; that as provided for and authorized by the Soldiers' and Sailors' Civil Relief Act of 1940, approved October 17th., 1940, J. D. Rateliffe, as solicitor of record and agent for complainant, by affidavit this day filed in this cause further shows to the court that neither complainant nor affiant is able to determine whether or not said respondent is in the military service of the United States, and that neither complainant nor affiant knows where said respondent is.

Now, therefore, on written motion of complainant the Register of this court is hereby authorized and directed to make and enter a decree pro confesse in this cause against respondent, Myrtice Devenport Sanders.

This the 17 day of July, 1943.

Judge, Circuit Court, Baldwin County, Alabama.

VS.

Myrtice Devenport Sanders, Respondent. IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

Now comes Henry Lee Sanders, complainant in the above and foregoing entitled cause, and shows to the court that service by publication has been perfected on Myrtice Devenport Sanders, respondent to said cause, for more than thirty days prior to this date in all respects as required by law as shown by the certificate of the Register , 1943; that of this court filed in said cause on, to-wit, said respondent to this date has failed to answer, plead or demur to the bill of complaint filed against her in said cause; that as provided for and authorized by Article Two, Section 200 of the Soldiers and Sailors' Civil Relief Act of 1940, approved October 17th., 1940, J. D. Rateliffe, as solicitor of record and agent for complainant has this day filed his affidavit in said cause to the effect that neither complainant nor affiant is able to determine whether or not said respondent is in the military service of the United States; that neither complainant nor affiant knows where the said respondent is.

complainant, Henry Lee Sanders, the premises considered, respectfully moves the court for an order of the court authorizing and directing the Register of the court to make and enter a decree pro confesso against the said Myrtice Devenport Sanders, the respondent to said cause.

This the // day of July, 1943.

lieitor for Complainant.

VS.

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

Myrtice Devenport Sanders, Respondent.

In and above and foregoing entitled cause it appears to the Register that the order of publication made in said cause on, to-wit, the 2 day of May, 1943, and directed to Myrtice Devenport Sanders, respondent to said cause, was duly published for four successive weeks in The Baldwin Times, a newspaper published in Baldwin County, Alabama, as follows, to-wit, May 13th., 1943; May 20th., 1943; May 27th., 1945; and June 3rd., 1943; that a copy of said order of publication was posted at the courthouse door of Baldwin County, Alabama, on the 2 day of May, 1943, the day and date said order of publication was made, and within twenty days from the making thereof, in all respects as required by law, as shown by the certificate of the Register of this court filed in said cause on, to-wit, the day of June, 1943.

And it further appearing to the Register that the said respondent, Myrtice Devenport Sanders, having to the day of the date hereof failed to answer, plead or demur to the bill of complaint filed against her in said cause.

Now, therefore, on the written motion of complainant, Henry Lee Sanders, and on the order of the Judge of this court dated to-wit, day of July, 1943, and filed on the day of July, 1943, and made in conformity with the soldiers' and Sailors' Civil Relief Act of 1940, approved October 17th., 1940, reference to which order is hereby made, it is ordered and decreed by the Register of this court that said bill of complaint in this cause be, and hereby is in all things taken as confessed against respondent, Myrtice Devenport Sanders.

This the 2, bay of July, 1943.

Register, Circuit Court, Baldwin County,

VS.

Myrtice Devenport Sanders, Respondent.

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

Before me, L. A. Hixon, Clerk of the Circuit Court of Monroe County, Alabama, personally appeared J. D. Ratcliffe, known to me, who, being by me first duly sworn, deposes and says:

My name is J. D. Ratcliffe, I am solicitor of record and agent for Henry Lee Sanders, complainant in the above and foregoing cause, pending in the Circuit Court of Baldwin County, Alabama, in Equity, and, as such solicitor of record and agent, have full power and authority to make this affidavit; that complainant and affiant are not able to determine whether or not Mrytice Devenport Sanders, the respondent to said cause, is in the military service of the United States; that neither complainant nor affiant knows where the said respondent is. This affidavit is made in conformity with the Soldiers' and Sailors' Civil Relief Act of 1940, approved October 17th., 1940.

Sworn to and subscribed before me this the //th/day of July, 1943.

Clerk, Circuit Court, Monroe County, Alabama.

NOTE	OF	TESTIMONY	FOR	SUBMISSI	ON

Re-Order No. 730—Gill Ptg. & Sta. Co., Mobile, Ala.

	of Alabamo	I, Bal		0 - m	County
	CIRC	CUIT COUR	T, IN EQU	ITY	No
	HENRY LEE	SANDERS			<u>-</u>
		VS,		Complainant	
	MYRTI CE	DEVENPORT S			- <del>-</del>
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				Respondent	The first of
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Complainant, beir	ng called, offers	the following	testimony. 1	to-wit:	
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Defendant, being o	called, offers the	following to-	wit:		·
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# RECORDED'

Henry Lee Sanders

VS.

Myrtice Devenport Sanders.

Register's certificate of publication of order of publication.

Filed June

**(\_,** 1943

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RECORDED

Henry Lee Sanders

VS

Myrtice Devenport Sanders.

Order of Judge to Register to enter Decree Pro Confesso afainst Respondent.

Filed July 201 1943.



Henry Lee Sanders

۷S.

Myrtice Devenport Sanders.

Motion for Decree Pro Confesso.

Filed July 19 , 1943.

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RECORD	a profesion	

Henry Lee Sanders

Vs.

Myrtice Devenport Sanders.

Decree Pro Confesso.

Filed July 2 1943.

Henry Lee Sanders

VS.

Myrtice Devenport Sanders.

Military Affidavit under the Soldiers' and Sailors' Civil Relief Act.

Filed July /2\_\_\_\_\_, 1943.

Register, Circuit Court, Baldwin County, Alabama.

I hereby certify that the above note of testimony is correct.  This 23rd day of July , 19 13.	Solicitor for Defendant.  I hereby certify that the above note of testimony is correct.	T. C. C. L. C.	년 전	CIRCUIT COURT	IN EQUITY HENRY LEE SANDERS	vs. Complainant.	MYRTICE DEVENPORT SANDERS	Respondent.	Note of Testimony for Submission	mly the 25rd, 19 La	Recorded in	Record	Page	Register.
Solicitor for Defendant.  I hereby certify that the above note of testimony is correct.  This 23rd day of July , 19 13.	Solicitor for Defendant.  I hereby certify that the above note of testimony is correct.  This 23rd day of July , 19 43.	, a	:										·	
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Solicitor for Defendant.	Solicitor for Defendant.							nony is c	orrect.	, 19	1.3.			
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The	State	of	Alabama,
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BALDWIN

County

## IN CIRCUIT COURT, IN EQUITY

	HENRY LEE SANDERS	Complainant	
***	Vs.		
		•	
	MYRTICE DEVENPORT SAI	NDERSDefendant	<b>3</b>
Oral examination before th	e Register of the following witnesses	<b>:</b>	
Of Henry Lee Sa	nders, the Complainant		
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who reside in Alabama, said ex	amination being conducted in	Bay Minette,	Alabama,
97ma 1	July1943	and there hairs present	
on this thedruday of	·	, and there being present	
R. S. DUCK, t	he-Register and JDRatcli	iffe-Seliciter-of-Record	fe <b>r-</b>
Cemplainant.			
The saidWitness	being first sworn to speak the truth,	the whole truth and nothing bu	ut the truth,
testified as follows:		**************************************	
Mr name is Henry Tee!	Sanders Tion 28 mapre of Ad	re T.am.a.resident.af.	Roldein



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	The State of Alabama,
	BAIDWIN COUNTY
The state of the s	IN CIRCUIT COURT, IN EQUITY
	HENRY LEE SANDERS
	vs. Complainant,
	MYRTICE DEVENPORT SANDERS
·	Defendant.
- · · · · · · · · · · · · · · · · · · ·	Deposition Taken Before Register on Oral Examination
	Deposition of HENRY LEE SANDERS
	forCOMPIAI NANT
	Filed_23day of, 19_4, 19_4
	Published by order of the Court
	day of July 19

710—Gill Ptg. & Sta. Co., Mobile, Ala.

She weuld	L become physically unable to keep house, cook, and do the other usual thin
xpected e	of a wife in keeping up the home. As stated this was her general condition
er severs	al menths before I ceased to live with her as her husband. I left my wife
emetimes	during the menth of July, 1942. While we were living in Atlanta Ga.
uring the	time Myrtice Devenpert Sanders and I lived tegether as man and wife, I
	er kindly and previded for her as best I could. I exercised Great patience anddid everything within my power to help over come her weakness, of using
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T R. S. Duck	Register , as
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n the words of the witne	essand read over tohim_andhesigned the same in the presence of
My_self_R_SDi	uck, at the time and place herein mentioned; that I
nave personal knowledge	of the personal identity of the said witness, or had proof made before me of the
dentity of said witness	; that I am not of counsel or of kin to any of the parties to said cause; or in any
manner interested in the	
I enclose the said Or	al Examination in an envelope to the Register of said Court, and placed the same on
ile in my office.  Given under my han	d and seal this the 25rd day of July, 19 43
	(L. S.
	WITNESS FEES.
I hereby certify tha	t the following named witnesses are entitled to the amounts stated below:
	days' attendance at \$1.50 per day\$
	days' attendance at \$1.50 per day\$
	days' attendance at \$1.50 per day\$\$
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	days' attendance at \$1:50 per day\$
	days' attendance at \$1.50 per day\$
	days' attendance at \$1.50 per day\$
	days' attendance at \$1.50 per day\$
	REGISTER'S FEES
•	\$1.50 per day\$\$

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THE STATE OF ALABAMA,

IN THE CIRCUIT COURT OF SAID COUNTY, IN EQUITY,

Henry Lea Sanders, Complainant,

¥9.

Myrtice Devonport Sanders, Respondent.

In this cause it being made to appear to the Register by Taffidavit of J. D. Rateliffs, solicated of record and agent for Henry Lee Sanders, complainant in the above entitled cause, that the place of residence of of Myrtice Devenport, respondent to said cause, is unknown to affiant and complainant and same parallely ascertained after reasonable effort; that in the belief of affiant the respondent is over twenty-one years of age; it is therefore ordered by the Register that publication be made in the Saidwin County Times, a newspaper published in Baldwin County, Ajabama, once a week for four consecutive weeks, requiring respondent, Myrtice Devemport Sanders, to plead, answer or demar to the bill of complaint in this cause by the 15th day of June, 1945, or in thirty days thereafter a decree Pro Confesso may be taken against her.

Done at Bay Minette, Alabama, this the 12th day of May,

1945.

P.5 Duck Habister, Circuit Court, Baldwin County,

Pleas publisg four successive weeks.

Baldwin

# THE STATE OF ALABAMA, MONROE COUNTY

IN THE CIRCUIT COURT, IN EQUITY.

HENRY LEE SAN DERS		 	Complainant
VS.			•
MYRTI CE DEVENPORT SANDERS	erroren errore		. Defendant

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and the evidence having been taken and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant by his Solicitors of Record, now files with the Register of said Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Solicitor for Complamant



No	Page

### THE STATE OF ALABAMA

Monroe County Baldwin

CIRCUIT COURT

	N EQUIT	Y.	
HENRY LEE SA	NDERS		
	vs.		plainant,
Myrtice DEVE	NPORT S	ANDERS	· · · · · · · · · · · · · · · · · · ·
		De	fendant.
Request for	Decree		cation.
Filed 23rd de	ny of (\J\) Recorded		19343. Register.
			Record
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EDITOR AND PUBLISHER

# MBAL/DWIN

ALABAMA'S BEST COUNTY'S- MESS BEST NEWSPAPER

# NOTICE NOTICE THE STATE OF ALABAMA. COUNTY OF BALDWIN OF SAID COUNTY IN EQUITY. Fentys Lee Sanders Complainant. Myrtice Devenport Sanders. Respondent. The this cause

Myrtice Devenport Sanders
Respondent

In this cause it being made to appear to the Register by affidavit of J. D. Ratellife, solicitor of record and agent for Henry Lee Sanders, complainant in the above entitled cabse, that the place of residence of of Myrtice Devenport respondent to said cause, is unknown to affiant and complainant and same cannot be ascertained after reasonable effort, that in the belief of affiant the respondent is over twenty-one years of age, it is therefore ordered by the Register that publication be made in the Baldwin County Times, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, requiring respondent. Myrtice Davenport Sanders, to plead, answer or damur to the bill of complaint in this cause by the 15 day of June, 1943, or in thirty days thereafter a decree Fro Confesso may be taken against her.

Done at Bay Minette, Alabama, this the 12th day of May, 1943.

R. S. DUCK, Register, Circuit, Court, Baldwin County Alabama.

#### AFFIDAVIT OF PITRLICATION

ILL LEST ATT ATT AND TAXABLE TO A
STATE OF ALABAMA, BALDWIN COUNTY.
Evely 1. Faulkner, being duly sworn, deposes and says
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
Henry Lee Sanders
-7/5
mytice Davenport Sander
COOR CHA HIDATIAM

COST STATEMENT  190 WORDS @ 4/2cents \$ 8.55
I hereby certify this is correct, due and unpaid (paid).
Publisher.
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Was published in said newspaper for consecutive weeks in the following issues:
Date of 1st publication May 13, 1943 Vol. 54 No. 25
Date of 2nd publication 200, 1943 Vol. No. L. No. L.
Date of 3rd publication 27 , 1943 Vol. 54No/7
Date of 4th publication June 3, 1943 Vol. 54 No/8
Subscribed and sworn before the undersigned this 4 day of 1943
Sugar Cumo Pon
Notary Public, Baldwin County.
Grely I. Fauck
Publisher.