

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LULA G. RUSH

, Complainant

vs.

JAMES ERNEST RUSH

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Personal Service 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 LULA G. RUSH is forever divorced from the said JAMES ERNEST RUSH for and on account of ABANDONMENT

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Complainant be given the sole custody of the children of the marriage, Annie Lois Rush and Eldred Lane Rush and this Court retains control of this cause for such further orders as may be necessary for the welfare and support of the children of the marriage.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent pay to Complainant within 30 days the sum of \$75.00 toward her solicitor's fees. 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 JAMES ERNEST RUSH

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

This 30th day of September, 1950.

J. Fair J. Mashburn, Jr.  
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. \_\_\_\_\_ Page \_\_\_\_\_

The State of Alabama  
BALDWIN COUNTY

In Circuit Court, In Equity

LULA G. RUSH

Complainant

vs.

JAMES ERNEST RUSH

Respondent

DIVORCE DECREE

*Filed 7-30-58  
Miss J. L. L. L.  
Rush*

RICKARBY & RICKARBY

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: EQUITY SIDE

TO

JAMES ERNEST RUSH

You are hereby notified to appear and plead, answer or demur within thirty days of the receipt hereof to the Bill of Complaint filed in this Court at Bay Minette, Alabama, against you as Defendant by LULA G. RUSH, as Complainant.

WITNESS my hand this the 5<sup>th</sup> day of January, 1950.

Robert A. Rush  
Register, Circuit Court

TO THE

HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT  
COURT OF BALDWIN COUNTY, ALABAMA: IN EQUITY:

Comes LULA G. RUSH, and by this her Bill of Complaint, presented against JAMES ERNEST RUSH, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years; that both are now and have been for more than five years bona fide residents of the State of Alabama.

SECOND: That Complainant and Defendant were married in the State of Mississippi, on March 11, 1939, but have not lived together since January, 1947.

THIRD: That on or about two years prior to the filing of this Bill, Defendant, after selling the home owned by the parties hereto jointly, abandoned the bed and board of Petitioner in Fairhope, leaving with her the youngest child, an infant now about two and one-half years old, but taking with him the other child of the marriage, Annie Lois, a daughter now eleven years of age, and all but \$100.00 of the proceeds of the sale of the home and removed to the State of Mississippi, where he has since lived in various places with said minor child and completely abandoned his wife and infant son, which abandonment continues until the present day with no resumption of marital relations.

FOURTH: Complainant does not know Defendant's present address, but is reliably informed that he is now sojourning in the State of Mississippi, leaving the daughter of the marriage in the care of Defendant's married

sister, a Mrs. Charles Huggins, who lives in the little village of Tallahata Springs, about eight miles west of Thomasville. *Alabama.*

FIFTH: Complainant further avers that both prior and since his abandonment of her, Defendant has been guilty of acts of adultery with women whose names and residences are unknown to her but which acts of adultery have at no time been condoned.

SIXTH: Complainant further shows that the Defendant is not a fit person and is not properly circumstanced to adequately care for Annie Lois, who has been taken from place to place in Mississippi <sup>and Alabama</sup> to live with Defendant's relatives and without obtaining proper schooling and attention, and being a young child is in need of a mother's care, attention and supervision.

THE PREMISES CONSIDERED, Complainant prays that JAMES ERNEST RUSH be made party defendant to this cause, and being at present a non-resident of the State of Alabama, that service of notice of this proceeding be had upon him by registered mail, if his address can be obtained, and if not, an order of publication be made and service had in that manner, requiring him to answer this Bill within the time prescribed by law.

Complainant further prays that upon the hearing of this cause a decree be rendered forever divorcing her from the said James Ernest Rush; granting her the sole care and custody of the two children of the marriage; the sum of \$75.00 as a reasonable amount to be allowed her for the payment of her solicitors in this case; and in the event that this proceeding is contested, a suitable sum as alimony pendente lite during the pendency of the cause, together with such other, further or different relief as to equity may seem meet.

*Rieserly & Rieserly*  
Solicitors for Complainant

2410

LULA G. RUSH,  
Complainant

vs

JAMES ERNEST RUSH,  
Defendant

o o o o o o o o o o o o o o o

BILL OF COMPLAINT

o o o o o o o o o o

FILED

JAN 5 1950

ALICE J. DUCK, Register

*Rickarby & Rickarby*  
*Solicitors*

LULA G. RUSH,  
Complainant

vs

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

JAMES ERNEST RUSH,  
Defendant

TO THE

HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF SAID  
COURT OF BALDWIN COUNTY, ALABAMA: IN EQUITY:

Comes LULA G. RUSH, Complainant in that Bill for Divorce heretofor filed by her in this Court against JAMES ERNEST RUSH on January 5, 1950 and by consent of Court amends Paragraph Four of said Bill to read:

Complainant is now reliably informed that Defendant, James Ernest Rush, on whom personal service has not been secured because of his absence from the State, is now located in the community of Dawes in Mobile County, where he has with him the daughter, Annie Lois, with whom he is living under conditions very unfavorable to a girl of her age, and Complainant submits that it would be highly necessary to said child's welfare that she be brought within the jurisdiction of this Court where proper orders for her care and custody pending the disposition of this cause can be made.

Complainant further prays that the prayer for process be amended by adding to that paragraph the following:

That personal service of notice of this cause be had upon Defendant JAMES ERNEST RUSH, at this time supposed to be in Mobile County, Alabama, and that he be required to answer said Bill and to further show cause why the said child, Annie Lois, should not be taken from his care and custody and suitable provision for her welfare made as to the Court shall seem to the child's best interests.

*Rush & Rush*  
Solicitors for Complainant

STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned Notary, personally appeared LULA G. RUSH, who, being sworn, says that she is reliably informed and believes that the matters alleged in the foregoing amendment are true.

*Lula G. Rush*

Subscribed and sworn to before me on this the 10th day of August, 1950.

*Elliott L. Rush*  
Notary Public, Baldwin County, Alabama.

RECORDED

LULA G. RUSH,  
Complainant

vs

JAMES ERNEST RUSH,  
Defendants

AMENDMENT  
TO  
BILL

FILED  
AUG 10 1950  
ALICE J. DUCK, Clerk

Received 14 Day of August 1950  
and on 14 Day of August 1950

I served a copy of the within Complaint

on James Ernest Rush

by service on \_\_\_\_\_

W. H. HOLCOMBE, Sheriff

By H. B. Sanders D.S.

Mobile County

Received in Sheriff's Office  
this 14 day of August 1950  
TAYLOR, WILKINS, Sheriff

LULA G. RUSH

Complainant

-vs-

JAMES ERNEST RUSH,

Defendant

E Q U I T Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

STATE OF ALABAMA

MOTION FOR DECREE PRO CONFESSO

COMES the complainant in the above styled cause and shows unto the Register that a summons was issued out of this Court on the eighteenth day of August, Nineteen Hundred Fifty, directed to JAMES ERNEST RUSH, the Defendant, in said cause, ordering him to appear and plead, answer or demur within thirty days from the service thereof to the Bill of Complaint in the cause; that same was duly served on the said JAMES ERNEST RUSH by a Deputy Sheriff of the County of Baldwin on the eighteenth day of August, Nineteen Hundred Fifty, and that the said defendant has to this date failed to plead, answer or demur to said Bill of Complaint, wherefore the Complainant moves that a decree pro confessor be entered against said Defendant.

RICKARBY & RICKARBY

By

*Elliot H. Rickarby*

SOLICITORS FOR COMPLAINANT



N<sup>o</sup> 2410

RECORDED

E Q U I T Y  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY  
STATE OF ALABAMA

MOTION FOR DECREE PRO  
CONFESSO

LULA G. RUSH,

Complainant

-VS-

JAMES ERNEST RUSH,

Defendant

FILED

SEP 18 1950

ALICE J. DUCK, Register

*Rickaby & Rickaby*  
*Solicitors*

LULA G. RUSH

Complainant

-vs-

JAMES ERNEST RUSH,

Defendant

E Q U I T Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

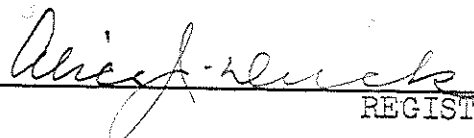
STATE OF ALABAMA

DECREE PRO CONFESSO  
ON PERSONAL SERVICE

In this cause, it being made to appear to the Register that a summons was served upon the defendant by the Sheriff of Mobile County, Alabama, on the eighteenth day of August, Nineteen Hundred Fifty, requiring him to appear and plead, answer or demur, to the bill of complaint in this cause, within thirty days from the service of said summons, and the said defendant having failed to plead, answer or demur to the said bill to the date hereof; It is now, therefore, on motion of complainant,

ORDERED and DECREED, that the said bill of complaint in this cause be, and it hereby is, in all things, taken as confessed against the said JAMES ERNEST RUSH, defendant aforesaid.

Witness my hand, this the eighteenth day of September, Nineteen Hundred Fifty.

  
REGISTER

N<sup>o</sup> 2410,

RECORDED

E Q U I T Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY

LULA G. RUSH,

Complainant

-VS-

JAMES ERNEST RUSH,

Defendant

DECREE PRO CONFESSO  
ON PERSONAL SERVICE

FILED

SEP 18 1950

Alice J. Duck, Register

LULA G. RUSH,  
Complainant

vs

JAMES E. RUSH,  
Defendant

E Q U I T Y  
IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA:

Comes LULA G. RUSH, Complainant in the above styled cause, and says that James E. Rush, Defendant in said cause, is now a non-resident of the State of Alabama; that his present address other than in the State of Mississippi is unknown to Affiant and that personal service of notice of her bill for divorce now pending cannot be had, but that service by registered mail or by publication will be required and that said Rush is over the age of twenty-one years;

Affiant further prays that this affidavit may be made a part of her bill heretofore filed and that an order forthwith issue directed to the Department of Public Welfare of Jackson County, Alabama, directing it to take custody of Annie Lois Rush, who is now in the custody of one Mrs. Macklin in Jackson County, and that said child be turned over to the Welfare Department of Baldwin County, Alabama, to be by them cared for pending the determination of the divorce suit now pending between the parents of the said child.

Lula G. Rush  
Complainant

Subscribed and sworn to before me on this the 12th day of  
January, 1950.

Elliott L. Rinsley  
Notary Public, Baldwin County, Alabama.

DOCKET NUMBER: 2504470 COMMA: 1150485

*James E. Rush*

APPROVED: 12/10

EXHIBITING THE FOLLOWING TO THE COURT AS EVIDENCE OF THE FACTS SET FORTH IN THE AFFIDAVIT

N<sup>o</sup> 2410  
*Equity*

RECORDED  
AFFIDAVIT TO BILL OF COMPLAINT  
LULA G. RUSH,  
Complainant,  
VS.  
JAMES E. RUSH,  
Defendant.

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

WHEREFORE, I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Circuit Court of Baldwin County, Alabama.

WITNESSETH MY HAND AND SEAL OF OFFICE THIS 10th DAY OF DECEMBER, 1964.

CLERK OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

NOTICE TO THE DEFT. BY MAIL: A copy of this bill of complaint was mailed to the deft. by registered mail on 12/10/64.

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THOMAS E. RUSH  
JAMES E. RUSH

BY

THOMAS E. RUSH  
JAMES E. RUSH

12 10 64

THOMAS E. RUSH  
JAMES E. RUSH

ALABAMA CIRCUIT COURT

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

28 September 1950

Mrs. Alice J. Duck,  
Register, Circuit Court,  
Bay Minette, Alabama.

Dear Mrs. Duck:

RUSH VS RUSH: With this find  
motion for decree pro confesso properly  
signed. Failure to do this when the paper  
was sent up was a rather material omission  
which I can only attribute to haste in  
getting the papers ready to get in the mail.

Sincerely,

*Elliott G. Rickarby*

for  
RICKARBY & RICKARBY

EGR:HB  
2959  
Enc - 1

LULA G. RUSH, )  
Complainant )  
VS. )  
JAMES E. RUSH, )  
Respondent )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY No. 2410

To James Ernest Rush:

By order of the Judge of this Court you are hereby cited to appear before this court on Thursday, August 17, 1950, at 10 o'clock A. M., then and there to show cause why Annie Lois Rush, a minor child, should not be taken from ~~the~~<sup>her</sup> care and custody of the said James Ernest Rush pending the final disposition of this cause.

Witness my hand this 11th day of August, 1950.

*Alice J. Church*  
Register, Circuit Court

2410

RECORDED

50

Lula G. Rush

VS  
James E. Rush

notice

Sheriff's Return

Received on the 14th. day of August 1950 and on the 18th. day of August 1950 a return of "Not Found" in my County in time for service, is made.

W. H. Holcombe, Sheriff

By *H. B. Sanders*

B.S.

Received in Sheriff's Office  
this 11 day of Aug, 1950  
TAYLOR WILKINS, Sheriff



LULA G. RUSH,  
Complainant

vs

JAMES ERNEST RUSH,  
Respondent

E Q U I T Y

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA.

DEPOSITIONS OF CARRIE BERNHARDT, CHARLES S. LOWELL AND  
LULA G. RUSH, WITNESSES FOR COMPLAINANT.

The above named witnesses, appeared before me at the time and place hereinafter stated and upon examination by counsel for Complainant, after being sworn, testified as follows:

CARRIE BERNHARDT

I am a resident of Fairhope, Alabama, where I have lived for the past thirty years. I am well acquainted with Mrs. Lula Rush and her husband, James Ernest Rush. For a while they lived within three blocks of my home. Mr. Rush left his wife and family about September, 1947, and has lived separate and apart from his wife ever since. Had he returned to live with her, my acquaintance is such that I would have known it. To the best of my knowledge she has only seen him a few times on the street and once in the Court House in Clarksdale, Mississippi, where he was trying to get a divorce from her but was not successful and the case was dropped. During that time, to the best of my knowledge and belief, Mr. Rush has done nothing for the support of either his wife or the children. When he left her in September, 1947, he took their little girl, Lois, with him, but leaving with her the baby boy three months old. Mrs. Rush has only recently been able to get her ten year old little girl back to live with her. Mr. Rush, when he lived with his wife, treated her very badly and neglected her and the children. On a number of times when they were living together she did not have enough to eat and on several occasions I sent her food because I was sorry for her. He would not work and one time when I told him that Mr. Dyson was paying \$1.50 an hour for carpenters, he sneered and said that he was not going to work for \$1.50, and at that time his wife did not have any food.

Carrie Bernhardt.

CHARLES S. LOWELL

I am a lifelong resident of Baldwin County and am well acquainted with Mrs. Lula Rush and her husband, James Ernest Rush. While I do not remember the exact date when they parted, I know that Ernest Rush left his wife and her little baby of a few months old and as I recall this was in the fall of 1947. This is now three years ago and in that time he has completely abandoned his wife and to the best of my knowledge and belief has done nothing for the support of her or of the children. When he left her he took with him their little girl who has now only recently been returned to the mother. Before they parted, Mr. and Mrs. Rush were building a house and she worked on the construction work, making mortar and doing other common labor work the same as a laboring man. I do not know what he was doing, but he did very little work on the place, and I do not know of what he has been doing in the past three years; in fact he has not been in Fairhope in that time.

C. S. Lowell

LULA G. RUSH

I am the complainant in this cause, over the age of twenty-one years, and have been a resident of Baldwin County for the past eight years. The defendant is over the age of twenty-one years and a resident of Baldwin County, though for the past three years, he has been moving around from place to place. James Ernest Rush and I were married in the State of Mississippi on March 11, 1939 where we lived as husband and wife up to 1942 when we came to Baldwin County and lived there together up to the fall of 1947. Three children were born to us, Annie Lois, now ten years of age; another daughter who died at birth, and a son, Eldred Lane Rush, now three years of age. For about two years before we parted my husband practically quit work and this made living very hard for us. He would not allow me to get a job but would not furnish money enough for us to have enough to eat. On a number of occasions neighbors would send in food for me and the children, and he would eat this too when he was home. His idleness was not because he could not get work; in fact, he would refuse work when a job was offered to him. Mr. Dyson, a contractor in Fairhope, offered him a job as a carpenter at \$1.50 an hour, but he refused this. At that time we had nothing in the house to eat but bread. We had, however, been able to get us a small home, the construction of which I did a large part of the work, but in August, 1947, he sold this place, gave me on my insistence \$100.00 of the proceeds which I used to buy food and clothes for the children. We then went to Mississippi where we stayed one month when he left me and took with him our daughter, Lois, and I had to come back with my little boy to my daughter by a previous marriage and since then my husband has done nothing for the support of me or the children. He has completely abandone me for nearly three years. Only recently I was able to get back my little girl, whom her father had been taking from place to place where he would stay with some relative until he would wear out his welcome and be compelled to leave. About a month ago, through the help of this Court and of the juvenile authorities, my little girl was restored to me and is now living with me in Fairhope. For the past three years I have been helped by my two sons by a former marriage, but since my oldest son became disabled, I have been helped by the Welfare Department. In the past three years I have seen my husband only for a few minutes on the street and have had no conversation with him or any intercourse with him whatsoever.

Lula G. Rush

CERTIFICATE

I, Helen P. Baugh, acting as Commissioner, hereby certify that in the case of LULA G. RUSH vs JAMES ERNEST RUSH, pending on the Equity side of the Circuit Court of Baldwin County, I caused CARRIE BERNHARDT, CHARLES S. LOWELL and LULA G. RUSH, witnesses for the Complainant, to appear before me at my office in the Bank Building, Fairhope, Alabama, where, after being duly sworn, upon examination by the solicitors for the Complainant, they testified as is above written, and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither of counsel nor of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as Commissioner this the 20th day of September, 1950.

Helen P. Baugh  
Commissioner

LULA G. RUSH,  
COMPLAINANT

VS

JAMES ERNEST RUSH,  
Respondent

-----  
DEPOSITIONS OF CARRIE BERNHARDT,  
CHARLES S. LOWELL AND LULA G. RUSH,  
WITNESSES FOR COMPLAINANT  
-----

FILED  
SEP 22 1950  
ALICE J. DUCK, Register

January 4, 1950

Mrs. Alice J. Duck, Register,  
Bay Minette,  
Alabama.

Dear Mrs. Duck:

RUSH VS RUSH: With this find Bill of Complaint in this cause, which asks for service either by registered mail or by publication. Affidavit for this, however, is not attached for the reason that at this writing Mrs. Rush has gone up to Clarke County to obtain possession of her eleven year old daughter through the aid of the Welfare Department of that county and an order from Judge Garret as ex officio Juvenile Judge. Once the child is brought into this county, we wish it to be within the jurisdiction of our Equity Court; hence the occasion to file this Bill at once. When Mrs. Rush returns, she will probably know more about her husband's whereabouts and can make the requisite affidavit so that service can be had upon him in Mississippi.

This affidavit will follow sometime tomorrow.

Sincerely,

*Elliott G. Rickarby*  
for  
RICKARBY & RICKARBY

EGR:HB  
Enc - 1  
2959

LULA G. RUSH,  
Complainant  
VS.  
JAMES E. RUSH,  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY No. 2410

To James Ernest Rush:

By order of the Judge of this Court you are hereby cited to appear before this court on Thursday, August 17, 1950, at 10 o'clock A. M., then and there to show cause why Annie Lois Rush, a minor child, should not be taken from ~~the~~ care and custody of the said James Ernest Rush pending the final disposition of this cause.

Witness my hand this 11th day of August, 1950.

*Reis J. Hirsch*  
Register, Circuit Court

LULA G. RUSH

vs.

JAMES ERNEST RUSH

THE STATE OF ALABAMA  
Baldwin CountyIN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, as amended  
Decree Pro Confesso on Personal Service, and depositions of  
Lula G. Rush, Carrie Bernhardt and Charles S. Lowell

*Risley & Risley*  
*Solicitors*

and in behalf of Defendant upon

*Reisley & Risley*  
Register.

RECORDED

No. 2410

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

LULA G. RUSH

vs.

JAMES ERNEST RUSH

NOTE OF TESTIMONY

Filed in Open Court this 26<sup>th</sup>

day of September, 1948

*Richard J. Rickarby*  
Register.

Printed By The Baldwin Times

RICKARBY & RICKARBY

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: HELEN P. BAUGH

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 CARRIE BERNHARDT, CHARLES S. LOWELL  
AND LULA G. RUSH

as witnesses in behalf of LULA G. RUSH in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein  
LULA G. RUSH

\_\_\_\_\_, Complainant  
and JAMES ERNEST RUSH

\_\_\_\_\_, Respondent  
on oath, to be by you administered, upon oral examination  
to take and certify the depositions of the witnesses and return the same to our Court, with all  
convenient speed, under your hand.

Witness 20th day of September, 1950

Alice J. Haskins  
Register.

Commissioner's Fee, \$ 5.00

Witness' Fees, \$ \_\_\_\_\_



No. \_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

LULA G. RUSH

Complainant—

vs.

JAMES ERNEST RUSH

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

HELEN P. BAUGH

WITNESSES:

CARRIE BERNHARDT

CHARLES S. LOWELL

LULA G. RUSH

ELLIOTT G. RICKARBY

LAW OFFICES  
RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

20 September 1950

Mrs. Alice J. Duck,  
Register, Circuit Court,  
Bay Minette, Alabama.

Dear Mrs. Duck:

RUSH VS RUSH: With this find  
Demand for Oral Examination, Commission to  
take Oral Examination and Decrees of Divorce  
in this cause.

Depositions follow under separate  
cover by the same mail.

Sincerely,

*Elliott G. Rickarby*

for  
RICKARBY & RICKARBY

EGR:HB  
2959  
Encls - 5

*Please sign commission and place with  
Testimony*

LULA G. RUSH  
Complainant,  
VS.  
JAMES ERNEST RUSH  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

NO. ....

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows :

1. That the following named witnesses reside within one hundred miles from  
Fairhope, Alabama, in the County of Baldwin  
Alabama, the place of trial of said cause, to-wit: CARRIE BERNHARDT, CHARLES S.  
LOWELL AND LULA G. RUSH

2. That said complainant requires an oral examination of said witnesses before a commis-  
sioner appointed by the Register of this Court.

*Riskley & Riskley*  
Solicitor for Complainant.

NOTE:

Complainant suggests the name of HELEN P. BAUGH

as a suitable and competent person to act as commissioner upon the examination of said witnesses.

*Riskley & Riskley*  
Solicitor for Complainant.

note 9-22-50  
*Wright-Heck*  
Register

DT-2-17-100

DEMAND FOR ORAL EXAMINATION.

LULA G. RUSH

Complainant,

Vs.

JAMES ERNEST RUSH

Respondent.

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

Filed this 20<sup>th</sup> day of September,

1945.

*Reice H. Hark*  
Register.

DEMAND FOR ORAL EXAMINATION

Reice H. Hark

Register

RECEIVED  
CLERK OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
SEP 21 1945

LULA G. RUSH,  
Complainant

vs

JAMES E. RUSH,  
Defendant

E Q U I T Y

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard upon the sworn petition of LULA G. RUSH, and the verified Bill of Complaint in this cause, and it appearing to the Court that it is absolutely necessary because of the age and sex of Annie Lois Rush, that pending this suit she be placed in the care and custody of the Welfare Department of Baldwin County, Alabama, pending further orders of this Court as to the ultimate custody of said child, and that the Sheriff of Jackson County, Alabama, or the Welfare Department of said County, be directed to place said child in such custody forthwith.

Done at Bay Minette, Alabama, this the 13th day of January, 1950.

Jeffair A. Masliburn A.  
Judge, Circuit Court

Figure 2

ORDER AS TO CUSTODY OF MINOR

RECORDED

Complainant,

VS.

JAMES E. RUSH.

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED

JAN 13 1950

WILLIAMS, Registered

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1. *Staphylococcus aureus* (S. aureus)  
 2. *Staphylococcus epidermidis* (S. epidermidis)  
 3. *Staphylococcus saprophyticus* (S. saprophyticus)  
 4. *Staphylococcus carnosus* (S. carnosus)  
 5. *Staphylococcus sciuri* (S. sciuri)  
 6. *Staphylococcus hyicus* (S. hyicus)  
 7. *Staphylococcus pasteuri* (S. pasteuri)  
 8. *Staphylococcus saprophilus* (S. saprophilus)  
 9. *Staphylococcus aureus* (S. aureus)  
 10. *Staphylococcus epidermidis* (S. epidermidis)

LULA G. RUSH,  
Complainant

VS

JAMES ERNEST RUSH,  
Defendant

E Q U I T Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA:

This cause coming on to be heard upon the Bill of Complaint as amended and same being verified by the oath of Complainant, and duly considered, the Court is of the opinion that the prayer in Paragraph Four of said Bill, as amended, be granted. IT IS THEREFORE;

ORDERED, ADJUDGED AND DECREED that the Department of Public Welfare of the County of Baldwin, or of any other County in which the minor, Annie Lois Rush, can be found, forthwith take said Annie Lois Rush into its care and custody and place her in the care of a suitable person, residing in the jurisdiction of this Court, who will produce said child at a hearing, relative to said care and custody to be heard before this Court in Bay Minette, Alabama, on Thursday, August 17, 1950 at ten a. m., for the purpose of making further orders as shall seem to this Court necessary for the proper care and custody of said minor child.

IT IS FURTHER ORDERED that the Register of this Court issue a citation to James Ernest Rush to appear before this Court on Thursday, August 17, 1950 at ten a. m., then and there to show cause why said child be not taken from his care and custody pending the final disposition of this cause.

IT IS FURTHER ORDERED that a copy of this order shall be the authority of any Department of Public Welfare and of the Sheriff of any County to whom these orders be committed for their action in the premises.

Done at Bay Minette, Alabama, this the tenth day of August, 1950.

J. J. G. Marshall, Jr.  
Judge

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RECORDED

LULA G. RUSH,  
Complainant

vs

JAMES ERNEST RUSH,  
Defendant

o o o o o o o o o o o

ORDER  
TO  
PRODUCE MINOR CHILD

o o o o o o o o o o o

FILED  
AUG 11 1950  
ALICE J. DUCK, Register

Sheriff's Return

Received on the 14th. day of August 1950 and on the 18th. day of August 1950 I executed the within by taking into my custody Annie Lois Rush and delivering said Annie Lois Rush to the Juvenile Court of Mobile County as directed by the Sheriff of Baldwin County.

W. H. Holcombe, Sheriff  
By *H. B. Sanderson* D.S.

Received in Sheriff's Office  
this 11 day of Aug, 1950  
TAYLOR WILKINS, Sheriff

01/100



Sheriff:

As we were too late in locating James C. Rush for service will it be possible to get a new date set. ~~for~~ the hearing. We should be able to find Dist. at any time.  
Now.