

2436

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JOHN A. RUSSELL, Complainant

vs.

CARRIE F. RUSSELL, 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 John A. Russell is forever divorced from the said Carrie F. Russell for and on account of abandonment

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 John A. Russell the Complainant pay the cost herein to be taxed, for which execution may issue.

This 7th day of April, 1950.

Julian J. Maduburn 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

JOHN A. RUSSELL

Complainant

vs.

CARRIE F. RUSSELL

Respondent

DIVORCE DECREE

*Final
4-2-5
Divorced
J. Russell*

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Carrie F. Russell to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by John A. Russell, as Complainant, against Carrie F. Russell, as Respondent.

Witness my hand this 1st day of March, 1950.

Deirdre H. H. H.
Register.

JOHN A. RUSSELL,

Complainant,

vs.

CARRIE F. RUSSELL,

Respondent.

¶

¶

¶

¶

¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Comes your Complainant, John A. Russell, and files this his Bill of Complaint for divorce against Carrie F. Russell, and shows unto your Honor and unto this Court as follows:

FIRST:

That your Complainant and the Respondent are both over the age of twenty-one years and are both resident citizens of Baldwin County, Alabama, residing at Loxley, Alabama. That your Complainant has been a resident citizen of Baldwin County, Alabama, for more than 50 years last past.

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit, in the year 1916 and have lived together as man and wife since that time up until about February 18, 1949, at which time the Respondent voluntarily abandoned your Complainant without just cause or legal excuse and she has failed and refused to live with him since that time as his wife; that your Complainant and the Respondent have not lived together as man and wife in the last 12 months.

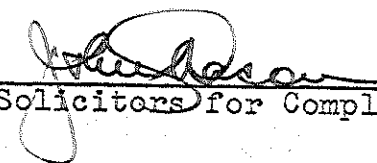
PRAYER FOR PROCESS AND RELIEF.

The premises considered, your Complainant prays that the above named Carrie F. Russell be made a party defendant to this Bill of Complaint by the usual writ or process of this Honorable Court requiring her to plead, answer or demur within the time and under the penalties prescribed by the rules of this court and the statutes in such cases made and provided; that upon a final hearing of this cause that your Honor will grant unto your Complainant an absolute

divorce from said Respondent and that your Honor will decree that the Complainant be allowed to remarry if he sees fit. Should your Complainant be mistaken in the relief prayed for that there be granted to him such other, further, different and general relief to which he may be entitled and as in duty bound we will ever pray.

Chason & Stone

By:


Solicitors for Complainant

208

JOHN A. RUSSELL,

Complainant,

VS.

CARRIE F. RUSSELL,

Respondent.

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

TESTIMONY

APPEARED: For Complainant

Hon. John Chason

Mr. John A. Russell, having been first duly and legally sworn
testified as follows:

ON DIRECT EXAMINATION

By Mr. Chason

Q. What is your name, please sir?

A. Russell. John A. Russell.

Q. Are you the husband of Carrie F. Russell?

A. I am.

Q. Are you and Carrie F. Russell both over the age of twenty-
one years and resident citizens of Baldwin County, Alabama,
residing at Loxley?

A. We are.

Q. Have you been resident citizens of Baldwin County sometime;
the last fifty years?

A. Fifty-one.

Q. Do you remember the year you and your wife were married?

A. In 1916.

Q. You don't remember the day of the month?

A. To the best of my recollection it was the 13th of December.

Q. Have you lived together, you and your wife lived together as
man and wife since February 18, 1949?

A. We have not.

Q. I will ask you Mr. Russell, whether on February 18, 1949
your wife abandoned you without just cause or legal excuse

and has failed or refused to live with you since that time?

A. She has.

Q. Had you been having, just prior to that, a lot of difficulty in trying to get your wife to act as your wife in a marital way?

A. How is that?

Q. Preceding this date, February 18, had you been trying to get your wife to go to bed with you as your wife?

A. Sure had.

Q. On this particular date is the last time, and you refused and gave up all all relations at that time?

A. I did.

Q. Has she taken a separate room and had a separate bed since that time?

A. She has.

Q. During this last period of time, since this date, have you lived with her in any way as your wife?

A. No, I have not.

Mr. D. M. Tuberville, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Chason

Q. What is your name?

A. D. M. Tuberville.

Q. Where do you live, Mr. Tuberville?

A. Loxley.

Q. How long have you know Mr. and Mrs. John Russell?

A. Well, about eight or ten years, something like that.

Q. Have they, in the last thirteen months been going around places as man and wife?

A. No sir, they haven't.

Q. Do you ever see them together or doing the usual things a man and his wife does?

A. No sir, I haven't.

Q. About February 18, 1949, you heard partly a discussion between him and one of his son-in-laws, didn't you?

A. Yes sir, I heard it.

Q. That conversation had to do with the fact that his wife had abandoned him?

A. Yes sir.

Mr. P. E. Rodgers, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Chason

Q. What is your name?

A. P. E. Rodgers.

Q. Where do you live, Mr. Rodgers?

A. Loxley.

Q. Do you know Mr. and Mrs. John Russell?

A. Yes sir.

Q. How long have you known them?

A. Twenty-five years at least.

Q. Have you noticed any change in their relationship during the last year or a little over?

A. Yes.

Q. What change is that?

A. Well, I have been working with him for the past twelve months and I haven't seen them together or have any conversation.

Q. Prior to that time when you first knew them, I will ask you did they go together and act as man and wife?

A. Yes. I never seen him out without she was with him.

Q. That hasn't been true in the last year?

A. No sir, I haven't seen them together at all.

Transcribed and filed this 7th day of April, 1950.

Ora E. Nelson
Reporter

205

The State of Alabama,
Baldwin County.

{ No. CIRCUIT COURT IN EQUITY.

JOHN A. RUSSELL

Complainant

vs.

CARRIE F. RUSSELL

Defendant

Motion is hereby made for a Decree Pro Confesso against Carrie F. Russell

Defendant ..

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant....; and that said summons was duly served according to law, and that said Defendant...has...failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 5th day of April 1950

Charles T. Mc... Solicitor,
134 Main Street

RECORDED

No.

Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

JOHN A. RUSSELL,

Complainant

vs.

CARRIE F. RUSSELL,

Respondent.

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed 5th day of April 1950

W. J. Black
Register.

Recorded in Record,

Vol. Page

Register.

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

JOHN A. RUSSELL
Complainant,
Vs. CARRIE F. RUSSELL
Respondent.

In the Circuit Court.
In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent _____
Carrie F. Russell

by the Sheriff of Baldwin County, on the 3rd day of March,
1950.

And it further appears to the Register, that the said Carrie F. Russell

_____, the Respondent—, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,
on motion of Chason & Stone Solicitors
for 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 Carrie F. Russell

This 5th day of April, 1950.

Carrie F. Russell
Register.

No. RECORDED

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

JOHN A. RUSSELL,
Complainant,

Vs.

CARRIE F. RUSSELL

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 5th day of April,

1945.

Archie Russell
Register.

2436