

151

NOTICE TO NON-RESIDENT.

Moore Ptg. Co—Bay Minette.

Neil H McFadyen.

No. 149
Susan T McFadyen. vs.

The State of Alabama,
Baldwin.
County.

Circuit Court, in Equity.
30th

This the _____ day of
July 35
, 192

Neil H McFadyen. In this cause it being made to appear to the Clerk of this Court by the affidavit of

Susan T McFadyen

that the Defendant

is a non-resident of the State of Alabama

is

and further, that, in the belief of said Affiant... the Defendant ... over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said

30th

to answer or demur to the Bill of Complaint in this cause by the _____ day of

192

Susan T McFadyen

taken against

Robert S. Deech

Register.

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

No. 151 Circuit Court, In Equity

Neil H. McFadyenComplainant....

vs.

Susan T. McFadyenDefendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complainant, decree pro confesso and the testimony as noted by the Register: and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant.

on account of Abandonment,

It is further ordered that the said Neil H. McFadyen be, and he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Neil H. McFadyen pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may be issued against the said Susan T. McFadyen.

It is further ordered, adjudged and decreed that said Neil H. McFadyen shall not again marry except to said Susan T. McFadyen until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Susan T. McFadyen during the said pendency of appeal

This 12th day of October 1935.

F. W. HANE
Judge of the Circuit
Court of Baldwin County.

STATE OF ALABAMA)
BALDWIN COUNTY)

CIRCUIT COURT, IN EQUITY

I, Alice J. Duck, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by the Judge of the Circuit in the above styled cause and same is on file and recorded in my office.

Witness my hand and seal this 26th day of September, 1950.

Register of the Circuit
Court.

Neil H. McFadyen,)
 Complainant, :
)
 vs :
)
 Susan T. McFadyen, :
 Respondent.)

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

AFFIDAVIT OF NON-RESIDENCE.

Personally appeared before me, Robert L. Ducey,
Ducey in and for said State and County, Neil
 H. McFadyen, who, being first by me duly sworn, deposes and
 says as follows: That he is the complainant in the foregoing
 cause for divorce; That the present place of residence and
 post office address of the respondent, Susan T. McFadyen, is
 Salem, Oregon, she, the said Susan T. McFadyen, being a non-
 resident of the State of Alabama and residing as aforesaid;
 That your complainant, affiant in this affidavit, and the
 respondent, Susan T. McFadyen, are each over the age of
 twenty-one years.

Neil H. McFadyen

Sworn to and subscribed before me on this the 30th
 day of July, 1935.

Robert L. Ducey
 Clerk of the Circuit Court, Baldwin County,
 Alabama.

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 151 FALL, Term, 1935

Neil H. McFadyen, Complainant

Vs.

Susan T. McFadyen Defendant

Motion is hereby made for a Decree Pro Confesso against

Susan T. McFadyen 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 7th day of October 1935

H. S. Smith

Solicitor.

Neil H. McFadyen,)
 Complainant, :
 vs :
 Susan T. McFadyen,)
 Respondent.)

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

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

Now comes your complainant, Neil H. McFadyen, and brings this his bill of complaint against the respondent, Susan T. McFadyen, and respectfully shows and alleges unto your Honor and the Court as follows:

1. That he, your complainant, is over the age of twenty-one years, and is now, and has been continuously for more than one year next preceding the filing of this his bill of complaint, a bona fide resident of Baldwin County, Alabama.

2. That she, the respondent, is over the age of twenty-one years and is a non-resident of the State of Alabama, her place of residence and post-office address being Salem, Oregon.

3. That your complainant and the respondent were lawfully married, by a minister of the gospel, on July 25th, 1907, in Dallas, Oregon. That they lived together as man and wife until the fourth day of November, 1931, their place of residence on said last date being Sioux Falls, South Dakota.

4. That on said last date of November 4, 1931, the respondent voluntarily, without just cause or excuse, voluntarily left and abandoned your complainant's residence and his bed and board and has since steadfastly refused to return to him as his wife. That said abandonment was without the consent of the complainant and without just cause on his part, as he always acted toward her as a dutiful husband should. That said abandonment occurred more than two years next preceding the filing of this bill of complaint. That your complainant therefore charges the respondent with voluntary abandonment from bed and board for more than two years next preceding the filing of this bill of complaint. That your complainant has been a bona fide resident of the County of Baldwin, State of Alabama, since the ninth day of November, 1932.

WHEREFORE, the premises considered, your complainant respectfully prays that your Honor and the Court will make the said Susan T. McFadyen a party respondent to this his bill of complaint; that proper notice and service of process be issued and made by publication, or otherwise as provided by law and the rules of this Court, for service upon her; that your Honor and the Court will make and enter all such orders or decrees as may be necessary or proper in the premises, and that upon a final hearing of this cause, your Honor and the Court will be pleased to give and grant to your complainant a decree of complete divorce against and from the respondent, with permission to complainant to again marry should he see

fit so to do; and your complainant respectfully prays for such other and further orders, decrees and relief as may be necessary or proper in the premises, as in duty bound he will ever pray, etc.

H E Smith
Solicitor for Complainant.

Neil H M Gadyen
Complainant.

FOOT-NOTE: The respondent, Susan T. McFadyen, is required to answer each and every allegation of the foregoing bill of complaint, but not under oath, oath to such answer being hereby expressly waived.

H E Smith
Solicitor for Complainant.

Neil H M Gadyen
Complainant.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 151 FALL Term, 1935

Neil H. McFadyen Complainant

vs. Susan T. McFadyen Defendant

In this cause it appears to the Register, Robert S. Duck, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 8th day of August, 1935, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 5th day of August, 1935, and

And it now further appearing to the Register, Robert S. Duck, that the said Susan T. McFadyen

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, Robert S. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Susan T. McFadyen

This 7th day of October 1935

Robert S. Duck Register.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 151

FALL

Term, 192 35

Neil H. McFadyen

, Complainant

vs.

Susan T. McFadyen

, Defendant

To Robert S. Duck,

, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by H. Embree Smith,

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

H. E. Smith

Solicitor for Complainant.

Published Every Thursday

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

R. B. Vail
Editor and Proprietor

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail, 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

Neil H. McFayden vs
Susan T. McFayden

State of Alabama, Baldwin
County. Circuit Court, in Equity.
This the 30th day of July, 1935.
Neil H. McFayden, No. 149, vs. Susan
T. McFayden.
In this cause it being made to ap-
pear to the Clerk of this Court by the
affidavit of Neil H. McFayden that
the Defendant, Susan T. McFayden, is
a non-resident of the State of Ala-
bama, and further, that, in the belief
of said Affiant the Defendant is over
the age of 21 years; it is, therefore,
ordered that publication be made in
the Baldwin Times, a newspaper pub-
lished in Bay Minette, Baldwin County,
Alabama, once a week for four con-
secutive weeks, requiring the said
Susan T. McFayden to answer or de-
nial to the Bill of Complaint in this
cause by the 30th day of August,
1935, or after thirty days therefrom
a decree Pro Confesso may be taken
against Susan T. McFayden.
ROBERT S. DUCK, Register.
27-4t.-pd.

Was published in said Newspaper for 4 consecutive weeks in the following issues:

Date of first publication	<u>August 8 1935</u>	Vol. <u>46</u> No. <u>27</u>
Date of second publication	<u>August 15 1935</u>	Vol. <u>46</u> No. <u>28</u>
Date of third publication	<u>August 22 1935</u>	Vol. <u>46</u> No. <u>29</u>
Date of fourth publication	<u>August 29 1935</u>	Vol. <u>46</u> No. <u>30</u>

Subscribed and sworn before the undersigned this 19 day of

September 5 1935
Robert S. Duck
Notary Public
Baldwin County
State of Alabama

R. B. Vail
Publisher

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

R. B. Vail
Editor and Proprietor

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail, 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

Notice to Non Resident.

Neil H. McFayden No. 146 - vs.

Susan T. McFayden

ROBERT S. DUCK, Register.
27-4t. pd.

Was published in said Newspaper for 4 consecutive weeks in the following issues:

Date of first publication	<i>Aug 8 - 1935</i>	Vol. <i>46</i>	No. <i>27</i>
Date of second publication	<i>Aug 15 - 1935</i>	Vol. <i>46</i>	No. <i>28</i>
Date of third publication	<i>Aug 22 - 1935</i>	Vol. <i>46</i>	No. <i>29</i>
Date of fourth publication	<i>Aug 29 - 1935</i>	Vol. <i>46</i>	No. <i>30</i>

Subscribed and sworn before the undersigned this 8 day of

October 35
Charters
Notary Public
County of Baldwin
State of Alabama

R. B. Vail
Publisher

NOTICE TO NON RESIDENT

The State of Alabama, Baldwin County, Circuit Court, in Equity.

This the 30th day of July, 1935, Neil H. McFayden, No. 149, vs. Susan T. McFayden.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Neil H. McFayden that the Defendant, Susan T. McFayden, is a non-resident of the State of Alabama, and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said Susan T. McFayden to answer or demur to the Bill of Complaint in this cause by the 30th day of August, 1935, or after thirty days therefrom a decree Pro Confesso may be taken against Susan T. McFayden.

Neil H. McFadyen

vs.

Susan T. McFadyen

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
Affidavit of Non-Resident, Order of Publication, Proof of Pub-
lication, Publisher's Affidavit, Motion for Decree Pro Confesso,
Decree Pro Confess, Motion for Decree in Vacation, Depositions of
Mrs. Bessie Coghlan, Henry Combie, and Neil H. McFadyen,

and in behalf of Defendant upon _____

Robert L. Duck

Register.

ORAL EXAMINATION

I, Robert S. Duck, 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 es and read over to them and they signed the same in the presence of myself and H.E. Smith

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 8th day of October 19 35.

Robert S. Duck (L. S.)

151

No. 151

Page

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Nell H. McFadyen

COMPLAINANT

vs.

Susan T. McFadyen

RESPONDENT

ORAL DEPOSITION

Filed October 8th, 1935

Robert S. Duck
Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

THE STATE OF ALABAMA, }
Baldwin County.

No. 151 Circuit Court, In Equity

Neil H. McFadyen Complainant

vs.

Susan T. McFadyen Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant.

on account of Abandonment,

Circuit Court, Baldwin County, Ala.,
IN EQUITY.

#151

Neil H. McFadyen

vs.

Susan T. McFadyen

PLAINTIFF

DEFENDANT

BILL OF COST

Fees of Register		Dollars	Cts.	AMOUNT BROUGHT FORWARD		\$	Cts.
Filing each bill and other papers	1.0	1	00	For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.		5	75
Issuing each Subpoena				Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.			
Issuing each copy thereof				Each Notice Sent by Mail to Creditors	15		
Entering each return thereof				Filing, Receipting for and Docketing each Claim, etc	25		
For each Order of Publication	1 00	1	00	For all entries on Subpoena Docket, etc.	50		
Issuing Writ of Injunction	1 50			For all entries on Commission Docket, etc.	50		
For each Copy thereof	50			Making Final Record, per hundred words	15		
Entering each return thereof	15			Certified Copy of Decree	1 00	1	50
Issuing Writ of Attachment	1 00			Report of Divorce to State Health Office, Acts 1915	50	1	00
Entering each return thereof	15			Total Fees of Register			5 75
Docketing each case	1 00	1	00	FEEES OF SHERIFF			
Entering each Appearance	25			Serving and Returning Subpoena on Deft.	\$1 50		
Issuing each Decree Pro Confesso on personal service	1 00			Serving and Returning Subpoena for Witness	65		
Issuing each Decree Pro Confesso on publication	1 00	1	00	Levyng Attachment	3 00		
Each Order Appointing Guardian	1 00			Entering and Returing same	25		
Any other order by Register	50			Entering and Returning Execution	25		
Issuing Commission to Take Testimony	50			Selling Property Attached	25		
Receiving and Filing	10		10	Impaneling Jury	75		
Endorsing each package	10		10	Executing Writ of Possession	2.50		
Entering Order Submitting Cause	50		50	Collecting Execution for Costs	1.50		
Entering any other Order of Court	25		50	Serving and Returning Sci. Fa., each	65		
Noting all Testimony	50		50	Serving and Returning Notice	65		
Abstract of Cause, etc.	1 00		75	Serving and Returning Writ of Injunction	1.50		
Entering each Decree	75		75	Serving and Returning Writ of Exeat	1.50		
For Every Hundred Words Over Five Hundred	15			Taking and Approving Bonds, each	1.00		
Taking Account on Reference	3 00			Collecting Money on Execution			
Taking Testimony, etc.	15			Making Deed	2.50		
Each Report, Five Hundred Words or less	2 50			Serving and Returning Application	1.00		
For every Hundred Words Over Five Hundred	15			Serving Attachment, Contempt of Court	1.50		
Amount Claimed. Less than Five Hundred Dollars, etc.	2 00			Total Fees of Sheriff			8 75
Issuing each Subpoena	25			Recapitulation			
Witness Certificate, each	25			Register's Fees			5 75
Issuing Execution, each	75			Sheriff's Fees			5 00
Entering each Return	15			Commissioner's Fees			
Taking and Approving Bond, each	1 00			Solicitor's Fees			
Making Copy of Bill, etc.	15			Witness Fees			
Each notice not otherwise provided for	50			Guardian Ad Litem			
Each Certificate or Affidavit, with Seal	50			Printer's Fees			
Each Certificate or Affidavit, no Seal	25			Trial Tax	3 00		
Hearing and passing on application for Receiver or Trustee	3 00			Recording Decree in Probate Court			3 00
Each Settlement with Receiver or Trustee	3 00			Total			14 75
Examining each Voucher of Receiver or Trustee	10						
Examining each Answer on Exception	3 00						
Recording Resignation or Suggestion of Death of Trustee	75						
Entering each Certificate to Supreme Court	50						
Taking Questions and Answers, etc.	25						
For all other service relating to such proceedings	1 00						
For service in proceeding to relieve minors, etc. same fee as in similar cases.							
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.							
Sub Total Carried Forward		5	75				

Received payment this _____ day of _____ 193_____

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs. Register.

151

Circuit Court, Baldwin County, Ala.
In Equity.

No.

VS.

123 *Payed*
E B m L

Cost Bill

Paid _____, 193

Register.

069.91
- 18.25
001.6

051.66
- 156.8

The State of Alabama }
Baldwin County

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

Neil H. McFadyen

COMPLAINANT

VS.

Susan T. McFadyen

RESPONDENT

I, Robert S. Duck,

as Register ~~and Commissioner~~

have called and caused to come before me Neil McFadyen,

Mrs. Bessie Coghlan,, Hilary Cumbie,

witness es named in the requirement for Oral Examination, on the 8th day of October

193 5, at the office of Robert S. Duck, Register

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

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

doth depose and say as follows:

RECORDED

Duck
6.207

151

No. 151

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Neil H. McFadyen

vs.

Susan T. McFadyen

NOTE OF TESTIMONY

Filed in Open Court this 8th

day of October 193 5

Robert Duck

REGISTER

Neil H. McFadyen

VS

Susan T. McFadyen

PROOF OF PUBLICATION

[Handwritten signature]

RECORDED

149
Buch
6-206

McFayden

VS

McFayden

Filed this 19 day Sept 1935

Robert S. Buck

~~Stock Register~~

RECORDED

such
6-207

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THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Neil H. McFadeyn

vs.

Susan T. McFadyen

REQUEST FOR DECREE IN
VACATION

FILED October 7th, 1935 192

Robert Duck

Register

RECORDED IN RECORD

VOL. PAGE

Register

RECORDED

Quick
6-20-07

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No. 151

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The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Neil H. McFadyen

vs.

Susan T. McFadyen

DECREE PRO CONFESSO
OF PUBLICATION

Issued October 7th 1923

Robert D. Dyer
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Company, Bay Minette, Ala.

151

151
RECORDED
BY

Campbell

Filed
1921
Ruben S. Wiley
Stock-Register

151

RECORDED

Book
6-207

No. 151 Page

State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Neil H. McFadyen

Complainant

Vs.

Susan T. McFadyen

Defendant

Motion for Decree Pro Confesso
On Publication.

Filed October 7th, 1935.

Robert L. Duck

Register.

Recorded in Record,

Vol. Page

Register,

151

151

RECORDED
and

Andrew

THE
P. J. DUNN
P. J. DUNN
P. J. DUNN
P. J. DUNN

RECORDED

151
Duck
6-163

151
151

Order Purchase

Friday August 1883
Walter S. ...
Register

RECORDED
INDEXED
6-20-37

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No. 151

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY
Baldwin County, Ala.

Neil H. McFadyen

vs.

Susan T. McFadyen

DECREE OF DIVORCE

Filed in office this 12th 4

day of October 1935

Robert S. Duck
REGISTER

F. O. M.

MOORE PRINTING CO., BAY MINETTE, ALA.