

(3123)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JOHN FREDERICK RUTH

, Complainant

vs.

CARMALLA RUTH

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Extra Confesso~~ on Answer and Waiver 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 FREDERICK RUTH is forever divorced from the

said CARMALLA RUTH for and on account of

Abandonment. It is further Ordered, adjudged and decreed that custody of John Wayne Ruth should be in Carmalla Ruth, with rights of visitation to John Frederick Ruth, who shall pay the sum of \$25.00 per month for maintenance and support of the said minor child as long as he remains in the Armed Forces of the United States.

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 Frederick Ruth the Complainant pay the cost herein to be taxed, for which execution may issue.

This 13 day of January, 1954

Hubert M. Hall
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.

No. 3173 Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

JAN 14 1954

ALICE J. DICK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: FRANCES G. MALLORY

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 John Frederick Ruth and James Howard
Beitman

as witnesses in behalf of John Frederick Ruth in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein John Frederick Ruth

_____, Complainant
and Carmella Ruth

_____, Respondent

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

Witness 7th day of January, 195 54

Alfred J. [Signature]

Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 3173

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

JOHN FREDERICK RUTH

Complainant—

vs.

CARMALLA RUTH

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

JOHN FREDERICK RUTH,

Complainant,

- vs -

CARMALLA RUTH,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO.

Comes the Respondent in the above styled cause and accepts service of a Bill of Complaint heretofore filed in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree.

And for answer to the Bill of Complaint heretofore filed in this cause, Respondent says:

1. She admits the allegations contained in Paragraph 1 of said Bill of Complaint.
2. She admits the allegations contained in Paragraph 2 of said Bill of Complaint.
3. She denies each and every allegation contained in Paragraph 3 of said Bill of Complaint and demands strict proof thereof.
4. She admits the allegations contained in Paragraph 4 of said Bill of Complaint.

Carmella Ruth
Respondent

Sworn to and subscribed before me, a Notary Public, on this the 21 day of November, 1953.

Joseph Francis Allen
Notary Public, County of Providence
State of Rhode Island

no 2173

RECORDED

FILED

JAN 8 1954

MADE L. DICK, Registrar

JOHN FREDERICK RUTH

CARMALLA RUTH

vs.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, and
testimony of John Frederick Ruth and James Howard Beitman

and in behalf of Defendant upon Answer and Waiver

James Howard Beitman
Secretary for Complaint

W. J. French

Register.

me
No. 3172

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

JOHN FREDERICK RUTH

vs.

CARMALLA RUTH

NOTE OF TESTIMONY

Filed in Open Court this 8th

day of Jan, 1945

Wm. J. H. H. H.
Register.

Printed By The Baldwin Times

JOHN FREDERICK RUTH,

Complainant,

-vs-

CARMALLA RUTH,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, Sitting in Equity:-

Your Complainant, John Frederick Ruth, respectfully represents
and shows unto your Honor:

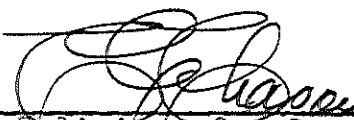
1. That Complainant is over the age of twenty-one years and
is a resident of said State and County, and has been a bona fide
resident of said State and County for more than one year next pre-
ceding the filing of this Bill of Complaint; that Carmalla Ruth is
a non-resident, her present address being 313 Atwells Avenue,
Providence, Rhode Island, and is over the age of twenty-one years.
2. That your Complainant and the Respondent were lawfully
married on, to-wit, December 6, 1947.
3. Complainant further avers that said Respondent voluntarily
abandoned the bed and board of Complainant for more than one year
next preceding the filing of this Bill of Complaint, since which
time Complainant and Respondent have not lived together nor in any
way recognized each other as husband and wife. Separation occurred
November 17, 1948.
4. The Complainant further shows to the Court that he has
legally adopted John Wayne Ruth, who is the son of the Respondent,
and he hereby agrees that the Respondent have custody of the said
minor child, and believes that he is financially able to pay the
sum of Twenty-five Dollars (\$25.00) per month as long as he is in
the Armed Forces of the United States.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Carmalla
Ruth be made a party defendant to this cause by the usual process
of this Honorable Court, by service by Registered Mail, requiring
her to plead, answer or demur within the time and under the penal-
ties prescribed by the rules of this Court and the Statutes in such

(first page)

cases made and provided; that upon a final hearing of this cause, that your Complainant be granted a divorce from the Respondent and that the Respondent be granted custody of the minor child, John Wayne Ruth, who was legally adopted by the Complainant, but who is the son of the Respondent, and that the sum of Twenty-five Dollars (\$25.00) per month be paid by the Complainant for the support and maintenance of this minor child as long as the Complainant remains in the Armed Forces of the United States. Complainant further prays that he be granted reasonable rights of visitation. Should your Complainant be mistaken in the relief prayed for, that there be granted to him such other, different and general relief to which he may be entitled and as in duty bound, he will ever pray.



Solicitor for Complainant

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

January 7, 1954

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

Dear Mrs. Duck:

Enclosed herewith are all papers necessary in the Divorce proceeding of John Frederick Ruth -vs- Carmalla Ruth, and also my check in the amount of \$20.45 as payment of Costs in this proceeding and Costs in a former proceeding which was dismissed without prejudice.

Yours very truly,


C. G. Chason

CGC:fm

encls: 7

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

JOHN FREDERICK RUTH

Complainant

VS.

CARMALLA RUTH

Respondent

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me John Frederick Ruth and James Howard Beitman

witness es named in the Requirement for Oral Examination, on the 7th day of January
194 54, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said Witness es to speak the truth, the whole truth, and nothing but the truth, the said John Frederick Ruth and James Howard Beitman doth depose and say as follows:

Testimony of John Frederick Ruth:

My name is John Frederick Ruth. I am over the age of 21 years and a bona fide resident citizen of Foley, Baldwin County, Alabama, having been such a bona fide resident citizen since June of 1952. Carmella Ruth is over the age of 21 years and is not a resident of the State of Alabama. She presently resides in Providence, Rhode Island. We were married on December 6, 1947 and lived together as man and wife until November 17, 1948, at which time she voluntarily abandoned my bed and board and we have not lived together nor recognized each other as husband and wife since that time. There are no children of this marriage, however, I legally adopted John Wayne Ruth, the child of my wife. I believe that at present she should have legal custody of the child with rights for me to visit the child and have the child visit me. I believe that I am financially able to pay the sum of \$25.00 per month on his maintenance and support as long as I am in the Armed Forces of the United States.

John Frederick Ruth

Testimony of James Howard Beitman:

My name is James Howard Beitman. I am over the age of 21 years and a resident of Baldwin County, Alabama, having been such a resident for more than one year. John Frederick Ruth and Carmella Ruth are over the age of 21 years. She is at present a resident of Providence, Rhode Island and he has been a resident citizen of Baldwin County, Alabama, since June of 1952. In November of 1948 she voluntarily abandoned his bed and board with no cause and they have not lived together nor recognized each other as husband and wife since that time.

James Howard Beitman

3173

ORAL EXAMINATION.

I, Frances G. Mallory, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and C. G. Chason, Attorney at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom 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 _____ day of January, 194 54

Frances G. Mallory (L.S.)

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THE STATE OF ALABAMA	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY.	
JOHN FREDERICK RUTH	
vs. Complainant	
CARMALIA RUTH	
Respondent.	
Oral Deposition	
Filed <u>1-8</u> , 194 <u>54</u>	
Recorded in _____, Register.	
Vol. _____, Page _____, Register.	