

1057

The State Of Alabama, Baldwin County
CIRCUIT COURT, IN EQUITY

ROSE D'ARCY Complainant

VS

BERT D'ARCY Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decrees Pro Confesso on Publication, _____ 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 _____ Rose D'Arcy is forever divorced from the said

_____ Bert D'Arcy
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 _____ Rose D'Arcy be, and they hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that _____ Rose D'Arcy the Complainant pay the cost herein to be taxed, for which execution may issue.

This 13th day of May, 1948
_____ J. P. Hare
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..... Page.....

The State Of Alabama

Baldwin County

In Circuit Court, In Equity

vs. Complainant.

Respondent.

DIVORCE DECREE

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING;

WE COMMAND YOU, that you summon BERT D'Arcy to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, and there to answer, plead or demur without oath to a bill of complaint lately exhibited by ROSE D'Arcy against the said Bert D'Arcy, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit, under penalty, etc. And we further command that you return this write with your endorsement thereof, to our said Court immediately upon the execution thereof.

Feb WITNESS, R. S. DUCK, Register of said Circuit Court, this the day of February, 1944.


Register.

ROSE D'Arcy,
COMPLAINANT

VS

BERT D'ARCY
RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,
IN EQUITY:

Now comes your Complaint, Rose D'Arcy, and humbly complaining against the Respondent, Bert D'Arcy, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of the State of Alabama, and is over the age of twenty one years; that the Respondent is over twenty one years of age, and a non-resident of the State of Alabama, his last known address being Wenatchee, Washington;

2.

That they were married in Summerdale, Baldwin County, Alabama, on January 19th, 1928, and lived together as husband and wife until April 24th, 1936;

3.

That on the 24th day of April, 1936, the Respondent voluntarily abandoned the bed and board of the Complainant, and has remained away voluntarily and continuously since that time.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said Bert D'Arcy party Respondent to this cause of action, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that your Honor will, upon the hearing hereof, enter an order and decree granting to the Complainant an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent, that Complainant be awarded such other, further, different, or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

Rose D'Arcy
Complainant.

BEEBE & HALL

BY Hubert
Solicitors for Complainant.

STATE OF ALABAMA
BALDWIN COUNTY.

Before me, the undersigned authority in and for said County and State, personally appeared Rose D'Arcy who is known to me and who having been by me first duly sworn, deposes and says that the facts contained in the foregoing bill of complaint are true.

Rose D'Arcy

Subscribed and sworn to before me on this the 7 day of February, 1944.

Thomas V. Mosher
Notary Public, Baldwin County, Alabama.

My comm. exp. Jan 15-1945

..... Rose D'Arcy
Complainant,
VS. Bert D'Arcy
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.
NO. 1053

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

Bay Minette, in the County of Baldwin

Alabama, the place of trial of said cause, to-wit: Rose D'Arcy and

Clementine Tietgen

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

Beebe & Hall

BY: [Signature]
Solicitor for Complainant.

NOTE:

Complainant suggests the name of Bernice Reid

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

Beebe & Hall

By: [Signature]
Solicitor for Complainant.

THE STATE OF ALABAMA,
Baldwin County

}

CIRCUIT COURT

TO Bernice Reid

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 Rose D'Arcy and Clementine Tietgen

as witnesses in behalf of Rose D'Arcy in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Rose D'Arcy Complainant
and

Bert D'Arcy Defendant,

on oath to be by you administered, upon _____
to take and certify the deposition s of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 6 day of May, 1944

R. D. [Signature]

REGISTER

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

1053

BT-6-40-500

DEMAND FOR ORAL EXAMINATION.

.....

Complainant,

Vs.

.....

Respondent.

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

Filed this 8 day of May

1944

R. J. Duce

Register.

1057

ROSE D'ARCY
COMPLAINANT

VS

BERT D'ARCY
RESPONDENT

SUMMONS AND COMPLAINT.

Filed Jul 9 1944
P. J. [unclear]
[unclear]

THE STATE OF ALABAMA }
Baldwin County }

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

Rose D'Arcy _____ COMPLAINANT

VS.

Bert D'Arcy _____ RESPONDENT

I, _____

as ~~Register~~ and Commissioner Bernice Reid

have called and caused to come before me _____

Rose D'Arcy and Clementine Tietgen

witnesses named in the Requirement for Oral Examination, on the _____ day of _____

19____, at the office of Beabe & Hall

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 Rose D'Arcy

_____ doth depose and say as follows:

~~IN BALDWIN COUNTY, ALABAMA, AND OVER _____~~
a bona fide resident of Baldwin County, Alabama for the past forty years.

The Respondent, Bert D'Arcy is over twenty one years of age and a non-resident of the State of Alabama. His last known address was Wenatchee, Washington. I have made and caused to be made a diligent search and inquiry, to ascertain the present address of Bert D'Arcy, and it is unknown.

The Respondent and I married at Summerdale, in Baldwin County, Alabama, on January 19th, 1928. We lived together as husband and wife in Baldwin County, Alabama, until April 24th, 1936.

The Respondent, on April 24th, 1936, voluntarily abandoned my bed and board and has remained away voluntarily and continuously since that time.

The Respondent, since he went away, has contributed nothing toward my support, and the support of our minor children.

Rose D'Arcy

Clementine Tietgen, a witness for the complainant, being first duly sworn, deposes and says:

My name is Clementine Tietgen. I live at Summerdale, in Baldwin County, Alabama. I know and have known for more than fifteen years the Complainant, Rose D'Arcy and for about fifteen years have known the Respondent Bert D'Arcy. I know of my own personal knowledge that since in April, 1936, the Complainant and the Respondent have not lived together as husband and wife. I also know that in April, 1936, the Respondent voluntarily went away from his home and has remained away continuously since that time. I have had occasion to see the complainant almost daily and know that the Respondent has contributed nothing toward her support and the support of their children.

Clementine Tietgen

ORAL EXAMINATION

I, Bernice Reid, as ~~Register and~~ Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down in writing by me in the words of the witness~~s~~ and read over to me and they signed the same in the presence of myself _____ and H. M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness~~s~~ or had proof made before me of the identity of said witness~~s~~; 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 19 day of May, 1944.
Bernice Reid (L. S.)

No. <u>1057</u>	Page _____
THE STATE OF ALABAMA	
Baldwin County	
IN CIRCUIT COURT, IN EQUITY	
Complainant _____	Respondent _____
Vs. _____	
ORAL DEPOSITION	
Filed <u>2-11-44</u>	19 <u>44</u>
<i>[Signature]</i> , Register	
RECORDED IN _____	
Vol. _____	Page _____
Record _____	
Register _____	

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

Rose D'Arcy Complainant

Vs.

Bert D'Arcy Defendant

In this cause it appears to the Register R. S. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 10th day of February, 1944, 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 9th day of Feb 1944 and _____

And it now further appearing to the Register R. S. Duck, that the said

Bert D'Arcy

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 R. S. Duck _____ that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Bert D'Arcy

This 6 day of May 1944
R. S. Duck Register.

NOTICE TO NON-RESIDENT

TIMES PRINTING CO., BAY MINETTE

ROSE D' ARCY

No. 1057.

vs.

BERT D' ARCY,

The State of Alabama,
Baldwin. County.
 Circuit Court, in Equity
 This the 8 9th, day of
February, 194 4

In this cause it being made to appear to the Clerk of this Court by the affidavit of Rose D' Arcy.

that the Defendant Bert D'Arcy.

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 Bert D' ARCY . the said Respondant.

to answer or demur to the Bill of Complaint in this cause by the 6th. day of March. 194 4, or after thirty days therefrom a decree Pro Confesso may be taken against him.

Beebe & Hall.
 Solécitors for Complainant,

Register.

The BALDWIN Times

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER
BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

NOTICE TO NON-RESIDENT
ROSE D'ARCY
No. 1057
BERT D'ARCY
The State of Alabama
Baldwin County
Circuit Court, in Equity
This the 9th day of February, 1944.
In this cause it being made to appear to the Clerk of this Court by the affidavit of Rose D'Arcy that the Defendant Bert D'Arcy 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 Bert D'Arcy the said Respondant to answer or demur to the Bill of Complaint in this cause by the 15th day of February, 1944.

STATE OF ALABAMA,
BALDWIN COUNTY.

Ford Cook, 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

COST STATEMENT

13-7 WORDS @ 4 1/2 cents \$ 7.06

I hereby certify this is correct, due and unpaid ~~(initials)~~

Ford Cook
Publisher.

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

Date of 1st publication Feb. 10, 1944 Vol. 53 No. 2

Date of 2nd publication " 17, 1944 Vol. 53 No. 3

Date of 3rd publication Feb. 24, 1944 Vol. 53 No. 4

Date of 4th publication March 2, 1944 Vol. 53 No. 5

Subscribed and sworn before the undersigned this 9 day of February 1944.

Notary Public, Baldwin County.

Ford Cook
Publisher.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

Rose D'Arcy _____ Complainant_____

Vs.

Bert D'Arcy _____ Defendant_____

Motion is hereby made for a Decree Pro Confesso against _____

Bert D'Arcy _____ 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 8 day of May 1944

746 Code

Solicitor.