

(3243)

DIVORCE DECREE

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

Mary Cotnam Uddike, Complainant

vs.

David Montgomery Uddike, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro 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

Mary Cotnam Uddike is forever divorced from the said David Montgomery Uddike for and on account of

Voluntary abandonment.

Complainant is granted the custody and control of her minor child, Mary Ethel Uddike.

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

This 30<sup>th</sup> day of April, 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. 3243

Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

Mary Cotnam Updike  
Complainant

vs.

David Montgomery Updike

Respondent

DIVORCE DECREE

FILED  
MAY 8 1954  
ALICE J. HOLLY, Register

LAW OFFICES

RICKARBY & RICKARBY

ELLIOTT G. RICKARBY  
(DECEASED)

FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

29 April 1954

Mrs. Alice J. Duck  
Clerk Circuit Court  
Bay Minette, Ala.

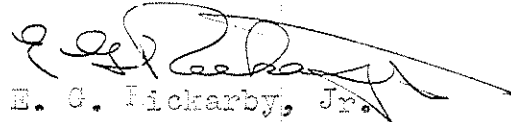
Dear Mrs. Duck:

Re: Mary Cotnam Updike  
Vs: David Montgomery Updike

With this we are handing you bill of complaint, answer  
and waiver, decree, note of evidence, testimony, and  
costs in the sum of \$15.00.

Please process.

Yours very truly,

  
E. G. Rickarby, Jr.

R/i  
Encls.  
1727

cc: Mr. Marc Hermelin  
Attorney at Law  
128 East 65th St.  
New York 21, New York

MARY COTNAM UPDIKE,  
Complainant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

-vs-

IN EQUITY

DAVID MONTGOMERY UPDIKE,  
Respondent

NOTE OF EVIDENCE

At the hearing of this cause the following note of  
evidence was taken, to-wit:

For Complainant:

Bill of complaint, answer and waiver and depositions  
of Willie Duncan Beall, Oleta Strange Ingram, and Mary Cot-  
nam Updike; witnesses for Complainant.

For Respondent:

RICKARBY & RICKARBY

By:

E. G. Rickarby, Jr.,  
Solicitor for Complainant

*W. J. French  
Register*

M 203243  
Mary Cotnam Updike,  
Complainant

VS

David Montgomery Updike,  
Respondent

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Note of Evidence  
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FILED

APR 30 1954

ALICE J. DUEK, Register

DEPOSITION OF WILLIE DUNCAN BEALL

I know Mary Cotnam Updike, the Complainant in the divorce suit against David Montgomery Updike and have been knowing Mrs. Updike, the Complainant, for at least four years.

During the last two years she has been living here in Fairhope, Baldwin County, Alabama, and has been a bona fide resident of Baldwin County, Alabama and is such a resident at this date.

She is over the age of twenty-one years. I knew her husband when they came over here to Fairhope back in the summer two years ago. I further know that she and her husband have been separated for over a year. I can be sure of this time because they were separated about Easter.

I understand that he went back to New York and hasn't been here in Baldwin County since that time.

I know Mrs. Updike because I see her constantly in Fairhope and have known her mother all her life.

There were no children born to this marriage.

I do not know anything about ~~her~~ <sup>her</sup> adopted daughter but understand he adopted her daughter and the daughter is now living with Mary who is furnishing the child's entire support and in my opinion it is to the best interest of the child to be with this Complainant, who is her own mother.

Willie Duncan Beall  
Willie Duncan Beall

Subscribed and sworn to before me this the 28th day of April, 1954.

Thomas C. Isbell  
Commissioner.

My name is Oleta Strange Ingram and I live in Fairhope, Baldwin County, Alabama, and know Mrs. Mary Cotnam Updike, the Complainant in the divorce suit against David Montgomery Updike. I knew both she and her husband. Both of them are over the age of twenty-one years.

She has been living here for about two years and they have been separated for over one year. I further know that her daughter, Mary Ethel Updike, is with her and I feel that she should be awarded the custody of this child.

Oleta Strange Ingram  
Oleta Strange Ingram

Subscribed and sworn to before me this the 28th day of April, 1954.

Glenn C. Ishell  
Commissioner.

No. 3243

Mary Cotnam Updike,  
Complainant

vs

David Montgomery Updike,  
Respondent

-----  
Deposition of Oleta  
Strange Ingram, Witness  
for Complainant  
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FILED

APR 30 1954

ALICE J. DUCK, Register

I, Florence C. Isbell, acting as Commissioner by agreement of parties, do hereby certify that in a case pending in the Equity side of the Circuit Court of Baldwin County, Alabama, wherein Mary Cotnam Updike is Complainant and David Montgomery Updike is Respondent, I caused the witnesses, namely, Willie Duncan Beall, Oleta Strange Ingram, and Mary Cotnam Updike, who were made known to me, to come to my office in the Bank Building in the City of Fairhope, Alabama, where the said witnesses after being first duly sworn by me, upon examination by E. G. Rickarby, Jr., Esquire, of counsel for Complainant, testified as hereinbefore written.

And that their testimony was by me reduced to writing as given by them, as near as might be in their identical language, and after being so reduced to writing, was read over by the said witnesses, who assented to and signed the same in my presence.

I further certify that I am not of counsel or kin to either of the parties to the cause, or anywise interested in the results thereof.

IN WITNESS WHEREOF, I hereunto set my hand and seal as commissioner this the 29th day of April, 1954.

Florence C. Isbell  
Commissioner.

Witness Fee: \$3.00

72 3243  
Mary Cotnam Updike,

Complainant

vs

David Montgomery Updike,

Respondent

Commission by Agreement of  
Parties

FILED

APR 30 1954

ALICE J. DUCK, Register

My name is Mary Cotnam Updike and I am the Complainant in this bill for divorce against my husband, David Montgomery Updike.

I am over the age of twenty-one years and am now and have been for the last two years a bona fide resident of Baldwin County, Alabama. My husband is over the age of twenty-one years and he and I came to Baldwin County in about July, 1952.

We were married in New York City on or about the 16th of December, 1950, and lived together as husband and wife up until about April 12, 1953, when without just cause or legal excuse he left me and went back to New York and has been gone since April 12, 1953, and I have not seen him since that date.

I had a child by a former marriage and my husband adopted this child as his and my child by proceedings in New York State. He has shown no interest in the child since we have separated and has done nothing towards either my support or the child's support since that time.

It is to the child's best interest to be with me as she now is. She is ten years old going to public school here in Baldwin County, Alabama, and I ask the court to give me custody of my child, which I am supporting.

I am not asking for support from my husband.

Mary Cotnam Updike  
Mary Cotnam Updike

Subscribed and sworn to before me this the 28th day of April, 1954.

Lawrence C. Isbell  
Commissioner.

MARY COTNAM UPDIKE,

Complainant

-vs-

DAVID MONTGOMERY UPDIKE,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ANSWER AND WAIVER

Comes DAVID MONTGOMERY UPDIKE, Respondent in the above styled cause, and for answer to the bill of complaint says he denies each allegation of same..

Respondent hereby waives notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of the time and place set for taking same and of the right to introduce evidence in his own behalf.

Respondent further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register. It is understood that Complainant is making no claim on Respondent for alimony or support.

David Montgomery Updike  
Respondent.

State of New York:  
County of NEW YORK:

I, MARC HERMELIN, a Notary Public in and for said State and County, hereby certify that David Montgomery Updike, who is known to me to be the Respondent above named and who acknowledged before me that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 10 day of April, 1954.

Marc Hermelin

Notary Public, STATE OF NEW YORK, New York.

MARC HERMELIN  
Notary Public, State of New York  
No. 31-1771400  
Qualified in New York County  
Commission Expires March 30, 1956

To the

HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT  
COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes MARY COTNAM UPDIKE, and by this her bill of complaint presented against DAVID MONTGOMERY UPDIKE, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years and Complainant has been a bona fide resident of Baldwin County, Alabama, for more than twelve months next preceding the filing of this, her bill of complaint, and that the Defendant was a resident of the State of Alabama at the time the abandonment hereinafter mentioned took place, but is now a resident of New York State.

SECOND: The Complainant and Defendant were married in New York City on or about the 16th day of December, 1950, and lived together as husband and wife from that date up until April 12, 1953, when he voluntarily abandoned the bed and board of this Complainant in Fairhope, Baldwin County, Alabama, and said abandonment has been continuous up until the filing of this bill.

THIRD: There have been no children born to this marriage but Complainant has a child by a former marriage which was adopted by the Defendant as the child of the Complainant and Defendant in New York, which child is the child of this Complainant and is under this Complainant's care and custody and this Complainant is the proper and suitable person to have the care and custody of this child, said child being named MARY ETHEL UPDIKE and is now ten years of age.

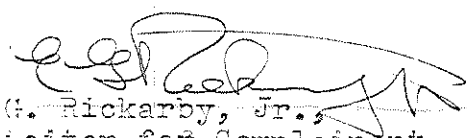
THE PREMISES CONSIDERED, Complainant prays that David Montgomery Updike be made party Defendant to this cause and by proper process required to answer this bill within the time prescribed by law.

Complainant further prays that upon a hearing of this cause a decree be rendered forever divorcing her from the said David Montgomery Updike and granting her the care and custody of

said child, Mary Ethel Updike, and the Complainant will ever pray.

RICKARBY & RICKARBY

By:

  
E. G. Rickarby, Jr.,  
Solicitor for Complainant

NO 3243  
Mary Cotnam Updike,

Complainant

vs

David Montgomery Updike

Respondent

Bill of Complaint

FILED  
APR 30 1954

ALICE J. DUCK, Register

To the

HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT  
COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

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THIRD: There have been no children born to this marriage but Complainant has a child by a former marriage which was adopted by the Defendant as the child of the Complainant and Defendant in New York, which child is the child of this Complainant and is under this Complainant's care and custody and this Complainant is the proper and suitable person to have the care and custody of this child, said child being named MARY ETHEL UPDIKE and is now ten years of age.

THE PREMISES CONSIDERED, Complainant prays that David Montgomery Updike be made party Defendant to this cause and by proper process required to answer this bill within the time prescribed by law.

Complainant further prays that upon a hearing of this cause a decree be rendered forever divorcing her from the said David Montgomery Updike and granting her the care and custody of

said child, Mary Ethel Updike, and the Complainant will ever pray.

RICKARBY & RICKARBY

By:   
E. G. Rickarby, Jr.,  
Solicitor for Complainant

FILED  
APR 20 1927  
VIRG. I. DECK, CLERK

said child, Mary Esther Updike, and the Complaintant will ever prey.

-5-

RICKARDS & RICKARDS

By:



Attorney for Complaintant  
E. G. Rickards, Jr.

FILED  
APR 30 1954  
ALICE J. DUCK, Register