

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,  
BALDWIN COUNTY

No. 1243

CIRCUIT COURT BALDWIN COUNTY

March

TERM, 1945

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Ruth Lee Milstead.

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

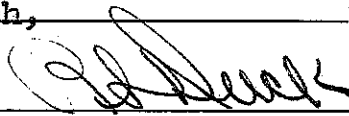
Ruth Lee Milstead,

Respondent, xxx

by Sylvester Milstead,

Complainant, xxxxx

Witness my hand this 12th day of March, 1945



Register

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**CIRCUIT COURT**

Plaintiffs

vs.

Defendants

**SUMMONS AND COMPLAINT**

Filed \_\_\_\_\_ 194\_\_\_\_\_

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

194\_\_\_\_\_

Sheriff

I have executed this summons

this \_\_\_\_\_ 194\_\_\_\_\_

by leaving a copy with

Sheriff

Deputy Sheriff

SYLVESTER MILSTEAD, COMPLAINANT    X    IN THE CIRCUIT COURT OF  
  X    BALDWIN COUNTY, ALABAMA  
RUTH LEE MILSTEAD, RESPONDENT       X    IN EQUITY.  NO \_\_\_\_\_

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE TWENTY FIRST  
JUDICIAL CIRCUIT OF BALDWIN COUNTY, ALABAMA.

Now comes the Complainant, Sylvester Milstead, humbly com-  
plaining of the Respondent, Ruth Lee Milstead, in a matter as will  
hereinafter appear and represents and shows unto Your Honor as  
follows:-

1. That both the Complainant and Respondent are bona fide resid-  
ents of Baldwin County, Alabama, and have both so resided for more  
than one year next preceding the date of the filing of this Bill  
of Complaint and they are both over the age of twenty one years.
2. Complainant represents and shows unto Your Honor that, on to-  
wit the 26th day of September, 1942, the Complainant and Respondent  
engaged in a Marriage Ceremony at Bay Minette, Baldwin County,  
Alabama and that they lived together thereafter until December 1,  
1944.
3. Complainant represents and shows unto Your Honor that the  
marriage ceremony engaged in between the parties was absolutely  
null and void for in this, at the time of the purported marriage,  
on, to-wit, the 26th day of September, 1942, the Respondent was  
already married to one Cecil Hale and had married him on, to-wit,  
the 25th day of November, 1933, a copy of the Marriage Certificate  
of the Respondent and the said Cecil Hale being hereto attached  
and marked "Exhibit A" to this Bill of Complaint, and that the  
said Cecil Hale was alive and is alive and no divorce has been  
had between the Respondent and the said Cecil Hale.

4. Complainant alleges that the Respondent, at the time she entered into the Marriage Ceremony with him, well knew that she was the lawful wife of the said Cecil Hale and that no divorce had ever been obtained by her or the said Cecil Hale, and she fraudulently represented unto the Complainant that she was a divorced woman, and that Complainant discovered the falsity of her representation on December 1, 1944, and immediately ceased to live with her.

PRAYER FOR PROCESS

To the end that equity may be had in the premises, Complainant prays that Ruth Lee Milstead be made party respondent to this Bill of Complaint and that a summons be issued together with a copy of this Bill of Complaint and served upon her and that she be required to plead, answer or demur to the within Bill of Complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant prays that on final hearing of this cause, Your Honor will make and enter a decree declaring the said marriage null and void and of no force and effect.

Complainant prays all other further and general relief to which he may be entitled in the premises, and he will ever pray, etc., etc.,

*Harne & Habnith*

SOLICITORS FOR COMPLAINANT

STATE OF ALABAMA

# Marriage Certificate

ESCAMBIA COUNTY

This Certifies that CECIL HALE  
and RUTH LEE ODOM

**WERE UNITED IN THE HOLY BONDS OF MATRIMONY**

By C. M. Agee

On the 25 day of November, in the year of our Lord 19 33

THIS SPACE HERE  
FOR SEAL

as appears of record in my office in Marriage Record, book "N",  
page 274. This 12 day of December 19 44

*Thos. A. Peavy*  
JUDGE OF PROBATE

90797 MARSHALL & BRUCE CO. NASHVILLE

Exhibits "A"

Sylvester Milstead

vs.

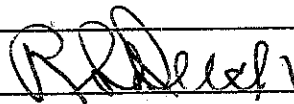
Ruth Lee Milstead

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, \_\_\_\_\_  
Decree Pro. Confesso and Testimony of Complainant

and in behalf of Defendant upon \_\_\_\_\_



Register.

Horne & Hodnette Solicitors

No. 1243

**THE STATE OF ALABAMA**  
Baldwin County

**IN EQUITY**  
Circuit Court of Baldwin County

Milstead

vs.  
Milstead

**NOTE OF TESTIMONY**

Filed in Open Court this 23rd

day of May, 194 5

*R. D. DeLoach*

Register.

Sylvester Milstead

Complainant,

Vs.

Ruth Lee Milstead

Respondent.

In the Circuit Court.

In Equity No. 1243.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent

Ruth Lee Milstead

by the Sheriff of 51st Baldwin. County, on the 31st day of March,  
194 5.

And it further appears to the Register, that the said Ruth Lee Milstead

\_\_\_\_\_, 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 Horne & Hodnette 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 Ruth Lee Milstead

This 12th day of May, 194 5.

  
Register.



No. 1243

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

Milsted

Complainant,

Vs.

Milsted

Respondent.

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE.**

Issued this 12 day of March,  
1945.

R. Duval

Register.

THE STATE OF ALABAMA, BALDWIN C County

In the Circuit Court, In Equity.

Sylvester Milstead Complainant

vs.

Ruth Lee Milstead Respondent

Now comes the Complainant.. by his Solicitor of Record and shows the court that on

the 18 day of Dec 1944 filed h Bill of Complaint in the above stated cause, and a summons issued in said cause and was served by the Sheriff of

Baldwin County on the Defendant.... more than thirty days prior to this date, and said Defendant.... has to this date failed to appear and demur, plead to, or otherwise answer the allegations of said Bill of Complaint as required by law, the Complainant.... by his Solicitor of Record now moves the Register of this Court to enter up or render a Decree Pro Confesso in this cause against said Defendant.

This 11 day of May 1945

[Signature]  
Solicitor for Complainant.

No. 1243 Page.....

**The State of Alabama**  
Baldwin COUNTY

In Circuit Court, In Equity

Mitchell

Complainant.

VS.

Mitchell

Respondent.

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

Filed 12-12, 1945

Reed Register

Recorded in

Record

Vol. .... Page.....

Register

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

Sylvester Milstead Complainant  
vs.

Ruth Lee Milstead Defendant

Oral examination before the Register of the following witnesses:

Sylvester Milstead and

Flora Milstead

who reside in Alabama, said examination being conducted in Atmore Alabama,  
on this the 19th day of May, 1945, and there being present

The witnesses and Commissioner

The said witnesses being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

My name is Sylvester Milstead. I am the Complainant in the above styled cause. I am over the age of twenty one years and the Respondent is over the age of twenty one years. We are both bona fide residents of the State of Alabama and have so resided for more than one year immediately preceding the date I filed my bill of complaint. The Respondent and I went through a marriage ceremony at Bay Minette, Alabama on or about the 26th day of September, 1942. I discovered that the Respondent was married to one Cecil Hale as will appear from the certified copy of a marriage certificate attached to the bill of Complaint in this cause, and I also discovered that between the time she entered into a marriage ceremony with Cecil Hale and the time she married me, that she married one David S. afford in Monroe County, Alabama. I did not discover this until on, to-wit, the 1st day of December, 1944, at which time I immediately ceased to live with her as her husband and I have not cohabited with her since that time.

I know that the Respondent has never obtained a divorce from Cecil Hale.

*Suzvester Milatid*

My name is Flora Milstead. I know the Complainant and Respondent in the above styled cause. I know that both of them are over the age of twenty one years, and that both are bona fide residents of the State of Alabama, and have so resided for more than one year immediately preceeding the date of the filing of this Bill of Complaint. I know that the Complainant and Respondent went through a marriage cerimony at Bay Minette, Alabama on or abut the 26th day of September, 1942. I know that the Complainant discovered that the Respondent was married to one Cecil Hale, and I also know that between the time she entered into a cerimony with Cecil Hale and the Complainant she married one David Stafford in Monree County, Alabama. I know that the Complainant did not discover this until about the 1st day of December, 1944, at which time he immediately ceased to live with her as husband. I know that the Respondent has never obtained a divorce from Cecil Hale.

*Flora Milstead*



No. 1243 Page \_\_\_\_\_

The State of Alabama,

Baldwin COUNTY

IN CIRCUIT COURT, IN EQUITY

Lepheid Milstead

vs. Complainant,

Ruth Le Milstead

Defendant.

Deposition Taken Before Register on Oral Examination

Deposition of \_\_\_\_\_

for Complainant

Filed 23 day of May, 1945

Published by order of the Court, \_\_\_\_\_

day of \_\_\_\_\_, 19\_\_\_\_

R. Duck  
Register.

# CHANCERY EXECUTION

## BILL OF COST

1245

No. **Sylvester Milstead**

Vs. **Ruth Lee Milstead**

Plaintiff  
Defendant

	Dollars	Cents		Dollars
<b>FEES OF REGISTER</b>				
Filing each bill and other papers.....	\$	10	Brought Forward.....	
Issuing each subpoena.....		50	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each copy thereof.....		40	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof.....		15	Each notice sent by mail to creditor	15
For each order of publication.....	1.00		Filing, receipting for and docketing each claim, etc. ....	25
Issuing writ of injunction.....	1.50		For all entries on subpoena docket, etc. ....	50
For each copy thereof.....		50	For all entries on commission docket, etc. ....	50
Entering each return thereof.....		15	Making final record, per 100 words ....	15
Issuing writ of attachment.....	1.00		Certified copy of decree .....	1 00
Entering each return thereof.....		50	Report of divorce to State Health Office .....	50
Docketing each case.....	1.00		(Acts 1915)	
Entering each appearance.....		25	Total Fees of Register .....	
Issuing each decree pro confesso on per. ser.....	1.00		<b>FEES OF SHERIFF</b>	
Issuing each decree pro confesso on publication.....	1.00		Serving and returning subpoena on deft .....	\$1 50
Each order appointing guardian.....	1.00		Serving and returning subpoena for witness .....	65
Any other order by Register.....		50	Levying attachment.....	3 00
Issuing commission to take testimony.....		50	Entering and returning same .....	25
Receiving and filing.....		10	Selling property attached .....	
Endorsing each package.....		10	Impanelling Jury .....	75
Entering order submitting cause.....		50	Executing writ of possession .....	2 50
Entering any other order of court.....		25	Collecting execution for costs .....	1 50
Noting all testimony.....		50	Serving and returning sci. fa., each....	65
Abstract of cause, etc.....	1.00		Serving and returning notice .....	65
Entering each decree.....		75	Serving and returning writ of injunction .....	1 50
For every 100 words over 500.....		15	Serving and returning writ of exeat ....	1 50
Taking account, etc.....	3.00		Taking and approving bonds, each ....	75
Taking testimony, etc.....		15	Collecting money on execution .....	
Each report, 500 words or less.....		2.50	Making deed .....	2 50
For every 100 words over 500.....		15	Serving and returning application, etc.	1 00
Amount claimed less than \$500, etc.....		2.00	Serving attachment, contempt of court .....	1 50
Issuing each subpoena.....		25	Total Fees of Sheriff .....	
Witness certificate, each.....		25	<b>RECAPITULATION</b>	
Issuing execution, each.....		75	Register's Fees .....	7.00
Entering each return.....		15	Sheriff's Fees .....	1 50
Taking and approving bond, each.....	1.00		Commissioner's Fees .....	
Making copy of bill, etc.....		15	Solicitor's Fees .....	
Each notice not otherwise provided for....		50	Witness Fees .....	
Each certificate or affidavit, with seal....		50	Guardian Ad Litem .....	
Each certificate or affidavit, no seal.....		25	Printer's Fees .....	
Hearing and passing on application, etc.		3.00	Trial Tax .....	3 00
Each settlement with receiver, etc.....		3.00	Recording Decree in Probate Court....	
Examining each voucher of receiver, etc....		10	Total .....	11.50
Examining each answer, etc.....		3.00		
Recording resignation, etc.....		75		
Entering each certificate to Supreme Court.....		50		
Taking questions and answers, etc.....		25		
For all other ser. relating to such proceedings .....		1.00		
For services in proceeding to relieve minors, etc., same fees as in similar cases.				
Commission on sales, etc.: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1 1-2 per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all all over \$20,000, 1-4 of 1 per ct..				
Sub Total Carried Forward.....				

**THE STATE OF ALABAMA,**  
Baldwin County.

No. \_\_\_\_\_

} **CIRCUIT COURT, IN EQUITY**

TERM, 194\_\_\_\_\_

To any Sheriff of the State of Alabama—GREETINGS:

You are hereby commanded, That of the goods and chattels, lands and tenements of \_\_\_\_\_

Defendant

you cause to be made the sum of \_\_\_\_\_ Dollars,  
which \_\_\_\_\_ Plaintiff.....

recovered of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_\_

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of \_\_\_\_\_

Dollars,

costs of suit, and have the same to render to the said \_\_\_\_\_ and make return of this Writ and the execution thereof, according to law.

Interest from \_\_\_\_\_ 194\_\_\_\_\_ to date of collection.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_\_.

\_\_\_\_\_, Register.





SYLVESTER MILSTEAD, :  
COMPLAINANT : IN THE CIRCUIT COURT OF  
VS. : BALDWIN COUNTY, ALABAMA  
RUTH LEE MILSTEAD, : IN EQUITY.  
RESPONDENT :

This cause coming on to be heard was submitted upon Bill of Complaint, Service by the Sheriff, Decree Pro Confesso 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 marriage of the said Sylvester Milstead and Ruth Lee Milstead be, and the same is, hereby forever annulled and declared for naught.

It is further ordered that Sylvester Milstead the Complainant pay the cost herein to be taxed, for which execution may issue.

This 3<sup>rd</sup> day of May, 1945.

J. W. Hare  
Judge Circuit Court, in Equity.