

DIVORCE DECREE

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The State of Alabama, Baldwin County

Circuit Court, In Equity

MARY H. MITCHELL

vs.

BENNIE MITCHELL

, Complainant

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on \_\_\_\_\_ 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 H. MITCHELL is forever divorced from the said BENNIE MITCHELL for and on account of

ABANDONMENT.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the complainant have the use of her maiden name Mary Hadley.

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 ~~Complainant~~ Mary H. Mitchell the Complainant pay the cost herein to be taxed, for which execution may issue.

This 5<sup>th</sup> day of February, 1952.

Felton J. Maslbury, Jr.  
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

Complainant

vs.

Respondent

**DIVORCE DECREE**

**FILED**  
FEB 5 1952

ALICE J. DUCK, Register

MARY H. MITCHELL,	) (	
Complainant,	) (	IN THE CIRCUIT COURT OF
-vs-	) (	BALDWIN COUNTY, ALABAMA
BENNIE MITCHELL,	) (	IN EQUITY
Respondent.	) (	

In this cause it being made to appear to the Clerk of this Court by the affidavit of Mary H. Mitchell, the complainant, that the defendant, Bennie Mitchell, is a non-resident of the State of Alabama and that his post office address is unknown and cannot be ascertained; it being further shown by said affidavit that the defendant is over the age of twenty-one years; it is therefore ordered that publication be made in the Foley Onlooker, a newspaper published in Foley, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said Bennie Mitchell to plead, answer or demur to the Bill of Complaint filed in this cause by the 3rd day of January, 1952, or after thirty (30) days thereafter a decree pro confesso may be taken against him.

Alice J. Duck  
 Alice J. Duck  
 Register of the Circuit Court of  
 Baldwin County, Alabama

C. G. Chason,  
 Attorney for Complainant.

MARY H. MITCHELL

vs.

BENNIE MITCHELL

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

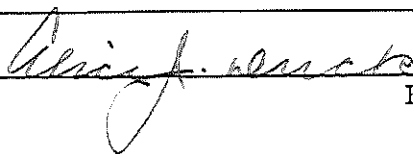
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,

~~AFFIDAVIT OF NON RESIDENCE OF RESPONDENT, request of decree pro confesso~~

~~by publication, decree pro confesso, testimony of Mary H. Mitchell~~  
~~and Euleen Subel.~~

and in behalf of Defendant upon



Register.

No. ....

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 5<sup>th</sup> .....

day of Feb ....., 1945

Alvin J. ...  
Register.

Printed By The Baldwin Times

STATE OF ALABAMA

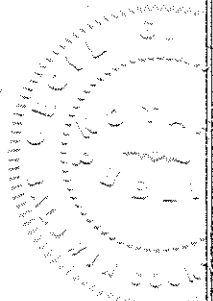
BALDWIN COUNTY

Before me, Cecil G. Chason, a Notary Public in and for said County in said State, personally appeared Mary H. Mitchell, who is known to me, and who after being by me first duly and legally sworn, deposes and says under oath as follows:-

That her name is Mary H. Mitchell; that she is over the age of eighteen years and a resident of Baldwin County, Alabama; that she was married to Bennie Mitchell on the 20th day of July, 1949; that he deserted her in October of 1950; that she has made repeated efforts to learn his present post office address or to learn where he is residing and that all of these efforts have failed, however, she is informed and believes, and so states, that he is not a resident of the State of Alabama; that his place of residence and post office address are believed by your affiant to be unattainable; that this affidavit is made for the purpose of securing service by publication on the said Bennie Mitchell.

Mary H. Mitchell

Sworn to and subscribed before me,  
a Notary Public, on this the 4th  
day of December, 1951.

  
Cecil G. Chason  
Notary Public, Baldwin County  
State of Alabama

MARY H. MITCHELL,	) (	IN THE CIRCUIT COURT OF
Complainant,	) (	BALDWIN COUNTY, ALABAMA
-vs-	) (	IN EQUITY
BENNIE MITCHELL,	) (	
Respondent.	) (	

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, Sitting in Equity:

Your complainant, Mary H. Mitchell, respectfully represents and shows unto your Honor:-

1. That complainant is over the age of eighteen years and is a resident of said State and County, and has been a bona fide resident of said State for more than one year next preceding the filing of this Bill of Complaint; that Bennie Mitchell is over the age of twenty-one years and is not a resident of Baldwin County, Alabama, and whose place of residence is unknown to your complainant.

2. That your complainant and respondent were lawfully married on or about, to-wit, July 20, 1949.

3. Complainant further avers that said respondent voluntarily abandoned the bed and board of complainant on or about, to-wit, October of 1950, since which time complainant and respondent have not lived together nor in any way recognized each other as husband and wife.

4. Complainant further shows unto your Honor that her name before marriage was Mary Rebecca Hadley and that she and the respondent have no children.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED:- Your complainant prays that Bennie Mitchell be made a party defendant to this cause by the usual process of this Honorable Court requiring him to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes in such cases made and provided; that service be had upon the said respondent by publication as is provided by law in the case of non-resident defendants; that upon a final hearing of this cause, that your complainant be granted a divorce from said respondent and that her maiden name be restored

to her. Should your complainant be mistaken in the relief prayed for, that there be granted to her such other, different and general relief to which she may be entitled, and as in duty bound, she will ever pray.



Solicitor for Complainant



**THE STATE OF ALABAMA**  
Baldwin County.Circuit Court of Baldwin County, Alabama  
(In Equity)MARY H. MITCHELL

Complainant

VS.

BENNIE MITCHELL

Respondent

I, LORNA UNDERWOOD

as Register and Commissioner

have called and caused to come before me

witness named in the Requirement for Oral Examination, on the 4 day of Feb.  
1945, at the office of Hon. C. G. Chason  
in Foley, Alabama, and having first sworn said Witness to speak the  
truth, the whole truth, and nothing but the truth, the said  
doth depose and say as follows:

TESTIMONY OF MARY H. MITCHELL:

My name is Mary H. Mitchell; I am over the age of eighteen years and a resident of Foley, Baldwin County, Alabama, and have been such a bona fide resident of this county and state for my entire life; Bennie Mitchell is over the age of twenty-one years and I have tried very hard to locate him but have been unable to do so; the last word I had of him at all was through others and he was at that time in Portaransas, Texas; we were married on July 20, 1949, and lived together as man and wife only until October of 1950, at which time he voluntarily abandoned my bed and board and quit supporting me; I have been supporting myself since that time and we have not lived together nor in any way recognized each other as husband and wife since that time; we have no children and I wish the Court to grant to me the use of my maiden name, which was Mary Rebecca Hadley.

*Mary H. Mitchell*

TESTIMONY OF EULEAN SUBEL:

My name is Eulean Subel; I am a resident of Foley, Baldwin County, Alabama, and have been a resident for my entire life; I am personally acquainted with Mary H. Mitchell and Bennie Mitchell; they were married in July of 1949 and lived together as man and wife until October of 1950, at which time Bennie Mitchell voluntarily and with no cause abandoned Mary H. Mitchell; she has been supporting herself since that time and they have not lived together as man and wife since that time nor in any way recognized each other as husband and wife; there were no children of this marriage; Mary H. Mitchell has been a resident of Baldwin County, Alabama, for her entire life and she is over the age of eighteen years.

*Mrs Eulean Subel*

ORAL EXAMINATION.

I, LORNA UNDERWOOD, 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 \_\_\_\_\_ and read over to \_\_\_\_\_ and \_\_\_\_\_ signed the same in the presence of myself LORNA UNDERWOOD

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness \_\_\_\_\_ or had proom made before me of the identity of said witness \_\_\_\_\_; 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 4th day of Feb., 194 52

Lorna Underwood (L. S.)

NO. \_\_\_\_\_ PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

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

Register.

Recorded in

Record

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Page \_\_\_\_\_

Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: LORNA UNDERWOOD

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 MARY H. MITCHELL, AND MRS EILEEN SUREL

as witnesses in behalf of COMPLAINANT in a cause pending in our Circuit Court in Baldwin County, of said State, wherein MARY H. MITCHELL

Complainant  
and BERNIE MITCHELL

Respondent

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

Witness 4th day of February, 1952

Register.

Commissioner's Fee, \$

Witness' Fees, \$

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

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

Complainant—

**vs.**

Defendant—

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER**

**WITNESSES:**

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

MARY H. MITCHELL

Complainant

Vs.

BENNIE MITCHELL

Defendant

Motion is hereby made for a Decree Pro Confesso against BENNIE MITCHELL

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

day of

1952

746 Code

Solicitor.

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

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT, IN EQUITY**

Complainant \_\_\_\_\_

Vs.

Defendant \_\_\_\_\_

**Motion for Decree Pro Confesso**  
**On Publication**

Filed \_\_\_\_\_, 19\_\_\_\_

Register.

Recorded in \_\_\_\_\_ Record \_\_\_\_\_

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Register.

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

MARY H. MITCHELL

Complainant

Vs.

BENNIE MITCHELL

Defendant

In this cause it appears to the Register \_\_\_\_\_ that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the \_\_\_\_\_ day of 10th Jan., 1952, in the Foley, Onlooker a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 7th day of Jan., 1952 and \_\_\_\_\_

And it now further appearing to the Register \_\_\_\_\_, that the said

BENNIE MITCHELL

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 \_\_\_\_\_

\_\_\_\_\_ that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said BENNIE MITCHELL

This 4th day of Feb., 1952

W. J. Danks Register.

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

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Vs.

Decree Pro Confesso of Publication

Issued \_\_\_\_\_ 19 \_\_\_\_\_

Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

Moore Printing Co., Bay Minette, Ala.

27502