

(2762)

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MELVIN B. STEWART, Complainant

vs.

CLARA E. STEWART, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Personal Service by Registered Mail 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 Melvin B. Stewart is forever divorced from the

said Clara E. Stewart for and on account of

Voluntary 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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

Melvin B. Stewart

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

This 21st day of March, 1952

Jeffair J. Madbury, Jr.
Judge Circuit Court, In Equity.

I, Alice J. Duck, 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 March, 1952.

Register of Circuit Court, In Equity.

No. 2767 Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

MELVIN B. STEWART

Complainant

vs.

CLARA E. STEWART

Respondent

DIVORCE DECREE

FILED

MAY 21 1952

ALICE J. DUCK, Register

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

19 May, 1952

Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is a Withdrawal of the
plea filed in the subject case. A copy has been
delivered to the attorney for the Complainant.

Yours very truly,



C. G. Chason

CGC:fu

Enclos.


CC: Arthur Epperson
Foley, Alabama

MELVIN B. STEWART)
Complainant)
)
vs.)
)
CLARA E. STEWART)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
2767

In this cause it appears to the Register that a copy of the bill of complaint and summons was sent to the respondent, Clara E. Stewart, at her place of residence as shown by the bill of complaint by registered mail, postage prepaid, marked "for delivery only to the person whom addressed", and return receipt demanded addressed to the Register of this court, and it further appearing that said return receipt is on file in this case, and said Clara E. Stewart, respondent having been duly served with process more than thirty days prior to this date and more than thirty days having elapsed since the return and filing of the return receipt, and the respondent having failed to this date to plead, answer or demur to the bill of complaint in this cause, it is now therefore, on motion of the complainant ordered and decreed by the register that the said bill of complaint in this cause be, and it is hereby, in all things taken as confessed against the said Clara E. Stewart, the respondent.

This the Fourth day of March, 1952.


Alice J. Duck, Register.

2767

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Melvin B. Stewart
Complainant

Vs.

Clara E. Stewart
Respondent

DECREE PRO CONFESSO

FILED

MAR 4 1952

ALICE J. DUCK, Register

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALABAMA

THE STATE OF ALABAMA)
BALDWIN COUNTY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
2767

MELVIN B. STEWART

Complainant

CLARA E. STEWART

Respondent

vs.

I, Bobby Lucile Ward, as register and commissioner, have called and caused to come before me Melvin B. Stewart and James B. Mobley witnessess named in the requirement for Oral Examination, on the 4th day of March, 1952, at the office of Bobby Lucile Ward, in Foley, Alabama, and having first sworn said witnessess to speak the truth, the whole truth and nothing but the truth, the said Melvin B. Stewart and James B. Mobley doth depose and say as follows:

My name is Melvin B. Stewart. I am over the age of twenty-one years, and a bona fide resident of the State of Alabama and have been more than two years preceding the filing of this suit for divorce. Clara E. Stewart is over the age of twenty-one years and resides in the State of Florida. Clara E. Stewart and I were married on November 14, 1920 at Alamosa Colorado. We have no minor children.

In the first part of June, 1948th left me without any fault on my part. I am a totally disabled War 1 veteran and of course my earnings was very limited. Her last words as she left was "I don't like this place, I don't like this House and I don't care for you any more, and if you think I am going to live in this dump any longer you are crazy as hell". I furnished her the very best I could under the circumstances but she figured it wasn't good enough. Her leaving was entirely voluntary on ~~her~~ part and against my wishes. Since that time we have not lived together or in any way recognized each other as husband or wife.

Melvin B. Stewart

My name is James B. Mobley. I am personally acquainted with Mr. Melvin B. Stewart and have known him since March 1949. I know that since that time Mr. Stewart has resided in Baldwin County, Alabama and that his wife, who I am not acquainted with has not lived with him and during that time. Mr. Stewart has lived by himself all of the time and has told me that his wife refused to live with him because he did not make or have enough money to suit her.

James B Mobley

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: BOBBY LUCILE WARD

Foley, Ala.

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 Melvin B. Stewart and James B. Mobley

as witnesses in behalf of Melvin B. Stewart in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Melvin B. Stewart

_____, Complainant
and Clara E. Stewart

_____, Respondent
on oath, to be by you administered, upon Melvin B. Stewart and James B. Mobley
to take and certify the deposition S of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 4th day of March, 1952

Alfred W. W. W.

Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 2767

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

MELVIN B. STEWART

Complainant—

vs.

CLARA E. STEWART

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

BOBBY LUCILE WARD

WITNESSES:

MELVIN B. STEWART

JAMES B. MOBLEY

MELVIN B. STEWART
Complainant
vs.
CLARA E. STEWART
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No. 2767

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: Melvin B. Stewart
Complainant

Vs.

Clara E. Stewart
Respondent

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

Arthur L. Eperson
Solicitor for Complainant

NOTE:

Complainant suggests the name of Bobby Lucile Ward
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Arthur L. Eperson
Solicitor for Complainant.

#2767

DEMAND FOR ORAL EXAMINATION

MELVIN B. STEWART

Complainant

vs.

CLARA E. STEWART

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed this 4th day of March

1952-

Amos H. Hester Register
Moore Printing Co.

MELVIN B. STEWART)
Complainant)
-vs-)
CLARA E. STEWART)
Respondent)

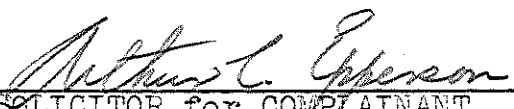
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALA.
IN EQUITY

TO THE HONORABLE TELFAIR J. MASHEBURN, Jr., JUDGE OF THE CIRCUIT
COURT, BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your complainant MELVIN B. STEWART, respectfully represents and
shows unto your Honor:

1. That complainant is over the age of twenty-one years and a resident of said State and County, and has been a bona-fide resident of said State for more than two years next preceding the filing of this bill of complaint; that CLARA E. STEWART is over the age of twenty-one years and resides at 206 N. W. Lillian Road, Navy Point, Pensacola, Florida or with Mrs. J. R. Samples, Haynes City, Florida,.
2. That your complainant and respondent were lawfully married on or about to-wit, November 14, 1920 at Alamosa, Colorado and do not have any minor children.
3. Complainant further avers that said respondent voluntarily abandoned the bed and board of the 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 or wife.

The premises considered, your complainant makes the said Clara E. Stewart a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Clara E. Stewart, commanding her to appear, answer, plead or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent; and that your Honor will grant such other, further or different relief as unto your Honor may seem just and proper, and your complainant will ever pray.


SOLICITOR for COMPLAINANT

RECORDED

7702767

IN THE CIRCUIT COURT
OF BALDWIN COUNTY
ALABAMA, IN EQUITY

MELVIN B. STEWART
Complainant

-VS-

CLARA E. STEWART
Respondent

BILL OF COMPLAINT

FILED

JAN 21 1952

ALICE J. DUCK, Register

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALABAMA

MELVIN B. STEWART
Complainant

-vs-

CLARA E. STEWART
Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALA.

IN EQUITY,

STATE OF ALABAMA

BALDWIN COUNTY

Personally before me, Alice J. Duck, Register of the Circuit Court appeared Arthur C. Epperson, solicitor of record for complainant in the above entitled cause, who being duly sworn, deposes and says that he is informed and verily believes that Clara E. Stewart, the respondent in the above entitled cause, is a nonresident of Alabama and whose residence and post office address is Mrs. Clara E. Stewart % Mrs. J. P. Samples, Haynes City, Florida, or Mrs. Clara E. Stewart, 206 N. W. Lillian Road, Navy Point, Pensacola, Florida, and that said respondent is in the belief of the affiant over the age of twenty-one years.

Arthur C. Epperson
Affiant

Sworn to and subscribed before me, this the _____ day of Jan. 1952.

Alice J. Duck, Register

No 2767

RECORDED

CIRCUIT COURT OF
BALDWIN COUNTY, ALA.
IN EQUITY.

MELVIN B. STEWART
Complainant

-VS-

CLARA E. STEWART
Respondent

Affidavit of Nonresidence

FILED

JAN 21 1952

ALICE J. DUCK, Register

ARTHUR C. EPPENDON

ATTORNEY AT LAW

FOLEY, ALABAMA

MELVIN B. STEWART)
Complainant)

VS.)

CLARA E. STEWART)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

2767

Comes the complainant in the above styled cause and shows unto the register that a summons directed to the respondent, Clara E. Stewart together with a copy of the bill of complaint in this cause, was issued and forwarded by registered mail on the 21st day of January, 1952, directed to said respondent at her place of residence as shown by the bill of complaint. The postage on said letter was prepaid and the same marked " for delivery only to the person to whom addressed", and return receipt demanded. Said demanded return receipt bearing the signature Clara E. Stewart, was duly received and filed for record in this cause on January 29, 1952, and the said respondent has to this day failed to plead, answer, or demur to the bill of complaint, all of which appears of record in this cause.

Wherefore: Complainant moves that a decree pro confesso be entered against the respondent.

This the 3rd day of March, 1952.

Arthur L. Epperson
Solicitor for Complainant

RECORDED

#2767

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MELVEN B. STEWART
Complainant

vs.

CLARA E. STEWART
Respondent

Motion for decree pro confesso

FILED

MAR 4 1952

ALICE J. DUCK, Register

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALABAMA

Me lvin B. Stewart,
Complainant,

In the Circuit Court of
Baldwin County, Ala.

vs.

In Equity.

Clara E. Stewart,
Reopondent.

Comes the Respondent in the above styled cause and moves that the Decree Pro Confesso rendered on this day by Alice J. Duck, Register, be set aside.


The Respondent, by and through her Attorney, C. G. Chason, files with the Court this, her plea in abatement to the Complaint filed in this cause and to each Count thereof as follows, separately and severally:

1. That this Honorable Court is without jurisdiction of this cause in that the Comolainant has not been a bona fide resident citizen of this state for twelve months next preceding the filing of the bill.

Wherefore, the respondent says that Escambia County, Florida, is the county and state in which an action of divorce should be maintained by the Complainant.


Attorney for Respondent.

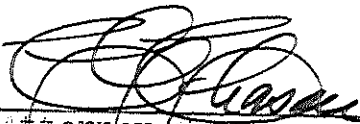
Sworn to and subscribed before me, this
4th day of March, 1952.



MELVIN B. STEWART, ()
Complainant, ()
vs. ()
CLARA E. STEWART, ()
Respondent. ()

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the Respondent in the above styled cause and with-
draws the plea in abatement filed therein and interposes no objection
to a decree being rendered in accordance with the testimony taken
and the Decree Pro Confesso heretofore entered.


Attorney for Respondent.

RECORDED

202767

Melvin B. Stewart
VS

Clara E. Stewart

FILED
MAY 21 1952

ALICE J. DUCK, Register

FILED
MAY 21 1952

ALICE J. DUCK, Register

MELVIN B. STEWART)
Complainant)
vs.)
CLARA E. STEWART)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
2767

This cause being submitted for final decree in behalf of
the complainant, the complainant offers the following testimony
to-wit:

1. Bill of Complaint
2. Affidavit of non-residence of respondent
3. Order of Service upon respondent by registered mail
4. Affidavit of Service upon respondent
5. Motion for decree pro confesso
6. Decree pro confesso
7. Request for Oral Examination
8. Commission to take testimony
9. Oral depositions of Complainants Witnessess

Arthur L. Epperson
Solicitor for Complainant

Wm. H. H. H. H.
Register

2767

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MELVIN B. STEWART
Complainant

Vs.

CLARA E. STEWART
Respondent

NOTE OF SUBMISSION

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALABAMA

MELVIN B. STEWART)
Complainant)
vs.)
CLARA E. STEWART)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

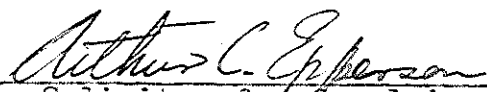
IN EQUITY

NO. 2767

This cause being submitted for final decree in behalf of the complainant, the complainant offers the following testimony to-wit:

1. Bill of Complainant
2. Affidavit of non-residence of respondent
3. Order of service upon respondent by registered mail
4. Affidavit of service upon respondent
5. Motion for decree pro confesso
6. Decree pro confesso
7. Request for oral examination
8. Commission to take testimony
9. Oral deposition of complainants witnesses.
10. Respondent's unverified plea of abatement and motion based upon said plea in abatement, to set aside decree pro confesso.

April 7, 1952


Solicitor for Complainant

No. 2767

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MELVIN B. STEWART
Complainant

vs.

CLARA E. STEWART
Respondent

2nd. Note of Submission

FILED
APR 2 1952

ALICE J. DICK, Registrar

ARTHUR C. UPPENSON
ATTORNEY AT LAW
MOBILE, ALABAMA

MELVIN B. STEWART)
Complainant)
vs.)
CLARA E. STEWART)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2767

This cause being submitted for final decree in behalf of the complainant, the complainant offers the following testimony to-wit:

1. Bill of Complainant
2. Affidavit of non-residence of respondent
3. Order of service upon respondent by registered mail
4. Affidavit of service upon respondent
5. Motion for decree pro confesso
6. Decree pro confesso
7. Request for oral examination
8. Commission to take testimony
9. Oral deposition of complainants witnesses.
10. Respondent's unverified plea of abatement and motion based upon said plea in abatement, to set aside decree pro confesso.

Arthur C. Epperson
Solicitor for Complainant

April 7, 1952

Alice J. Luck
Register

No 2762

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MELVIN B. STEWART
Complainant

Vs.

CLARA E. STEWART
Respondent

2nd. Note of submission

FILED

APR 7 1952

ALICE J. DUCK, Register

ARTHUR C. EPPERSON,
ATTORNEY AT LAW
MOBILE, ALABAMA

2762