

1248

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

DAVID ALLEN

Complainant

VS.

ROSA DICK ALLEN

Respondent

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

on personal service 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 DAVID ALLEN

is forever divorced from the said ROSA DICK ALLEN

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 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 ALLEN

the Complainant pay the cost herein to be taxed, for which execution may issue.

This 23rd day of February, 19 45

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

I, ROBERT S. 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 February, 19 45

Register of Circuit Court, in Equity

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

**The State of Alabama**  
**BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

**DAVID ALLEN**

vs. Complainant

**ROSA DICK ALLEN**

Respondent

**DIVORCE DECREE**

Filed this \_\_\_\_\_ day of

**February**, 19**45**

Register

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,  
BALDWIN COUNTY

No. 1248.

CIRCUIT COURT BALDWIN COUNTY

December, TERM, 1944

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Rosa Dick Allen.

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

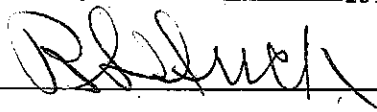
Rosa Dick Allen.

~~Respondant~~  
Respondant.

by David Allen.

Complainant

Witness my hand this 26th day of December. 1944

  
Registrar.

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

To the

Honorable F. W. HARE,

JUDGE OF THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA:  
IN EQUITY:

Comes DAVID ALLEN and by this his bill of complaint presented against ROSA DICK ALLEN, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years and lifelong residents of Baldwin County.

SECOND: That Complainant and Defendant were married in this County more than thirty years ago and lived together as husband and wife in Daphne until about ten years ago when she made him leave the house in which they were living and which was her property, since which time they have lived separate and apart with no resumption of marital relations.

THE PREMISES CONSIDERED, Complainant prays that Rosa D. Allen 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 the hearing of this cause a decree be rendered forever divorcing him from the said Rosa Allen, granting him the right to marry again should he so desire and such other, further or different relief as to Equity may seem meet.

*Elliot L. Riskley*  
Solicitor for Complainant.

The State of Alabama,  
Baldwin County.

No. 1248 CIRCUIT COURT IN EQUITY.

DAVID ALLEN

Complainant

vs.

ROSA DICK ALLEN

Defendant

Motion is hereby made for a Decree Pro Confesso against

ROSA DICK ALLEN

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 31st day of January 19 45

*Clifford B. Rinsley*  
Solicitor.

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

**The State of Alabama,**  
Baldwin County,

**CIRCUIT COURT, IN EQUITY**

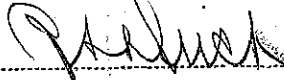
**DAVID ALLEN**

VS.

**ROSA DIOR ALLEN**

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

Filed **January 31** 19 **45**



Register.

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

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

Register.

The State of Alabama, }  
Baldwin County.

No. 1248

CIRCUIT COURT, IN EQUITY

DAVID ALLEN

Complainant

vs.

ROSA DICK ALLEN

Defendant

In this cause it appears to the REGISTER

that a Summons requiring the Defendant ROSA DICK ALLEN

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon her

was served upon her by the Sheriff of Baldwin County, Alabama, on the 29th day of January 1944

And the said Defendant ... having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Complainant

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said ROSA DICK ALLEN

Defendant aforesaid.

This 31st day of January 1945

Register.



No. .... Page .....

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**The State of Alabama,**  
**Baldwin County**

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**Circuit Court In Equity**

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**DAVID ALLEN**

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vs.

**ROSA DICK ALLEN**

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**Decree Pro Confesso On**  
**Personal Service.**

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Issued **January 31,** 19**45**

*[Handwritten Signature]*

Register.

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DAVID ALLEN,  
Complainant,

vs

ROSA ALLEN,  
Defendant.

E Q U I T Y .

CIRCUIT COURT OF  
BALDWIN COUNTY,  
ALABAMA.

ROBERT VINCENT  
DEPOSITIONS OF DAVID ALLEN AND IDA F. HILL, Witnesses for  
Complainant.

The above named witnesses appearing before at the times and places hereinafter stated, after being sworn, upon examination by the Solicitor for the Complainant, testified as here set forth:

DAVID ALLEN.

I am the Complainant in this cause. Both my wife and I are over the age of twenty-one years and lifelong residents of Baldwin County Alabama.

We were married in this County more than thirty years ago and lived together as husband and wife at Daphne up to about ten years ago when we had some disagreement and without just cause my wife made me leave the home in which we were living and which belonged to her and since then we have lived separate and apart without any resumption of marital relations. We have not been on bad terms but not on sufficiently friendly terms to make her allow me to return to her. I would at any time have been willing to go back to her but she would not consider this and so we have lived entirely apart for the past ten years. This has been due entirely to her attitude and that of the children by her first marriage.

*David Allen . . . .*

IDA F. HILL

I am a resident of Daphne, Alabama and for many years my husband and I ran a store only a short distance south of where David and Rosa Allen lived. About ten years ago David, whom I had known and liked a long time, came to us for shelter and we gave him a room in the rear of our store building where he has lived continuously since that time and where he is now living *with Audrey Brooks*. I know he has not been back to live with his wife since he has been staying on our place, although he and she speak to each other and up to a short while ago he would go to her house in daylight. She has some grown children by her first marriage and David is not on good terms with them.

*Ida F Hill*

ROBERT VINCENT.

I have been a resident of Baldwin County for about seventeen years and have known David Allen for about eight years. I live in Daphne not far from where David and his wife live. I know him quite well but have had little to do with his wife.

The first time I knew he and she were not living together was some time in the early part of this year when I went to her to try to rent some land that she owns. I spoke of taking the matter up with her husband Dave but she told me that he had nothing to do with it, that she and Dave did not get along together and that they had not slept together for ten years. She did not have to tell me this but did so of her own accord. I knew that Dave was staying on Mr Hill's place but did not know anything about the reason for this till Rose Allen told me of her own accord.

*Rose Estenson*

.....

I, HELEN P. BAUGH, the Commissioner named in the attached commission, hereby certify that in a cause pending in the Circuit Court of Baldwin County on the Equity Side wherein David Allen is Complainant and ROSA DICK ALLEN, Defendant, under and by virtue of the authority conferred on me by said Commission I caused the witnesses named therein, Namely, David Allen, Mrs Ida F. Hill and Robert Vincent who were made known to me at appear at my office in the City of Fairhope on the 20th day of February, 1945, where, after being duly sworn, upon examination by the Solicitor for the Complainant they testified as is hereinbefore written; that their testimony, after being reduced to writing was read over and signed by them.

I further certify that I am not of Counsel nor of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF I hereto set my hand and seal as Commissioner on this the 20th day of February, 1945.

*Helen P. Baugh* (SEAL)  
Commissioner.

reason for this Bill Rose Allen told me of her own record.  
 staying on Hill's place and did not work anything except she  
 said she had not elect potatoes for ten years. She did not have to  
 do with her husband Dave but she did not get along together and she  
 do not go with her. I am sure that she is not to be  
 was some time in the early part of this year when I went to her  
 the first time I know he and she were not living together  
 his wife well but have not little to go with his wife.  
 time in Duane not for long where Dave and his wife live. I know  
 then years and was known David Allen for about eight years. I  
 I have been a resident of Eslerin County for about seven-

ROBERT ALLEN

Allen  
 &  
 Allen

Arthur  
 Fred  
 P.

I, the undersigned, do hereby certify that the above is a true and correct copy of the original as the same appears in the records of the County of Eslerin, Georgia, and that the same are in my possession and control.

Made and attested at the County Seat of Eslerin County, Georgia, this 12th day of August, 1942.

J. Edgar Hoover, Director, Federal Bureau of Investigation, Washington, D. C.

(Type name of newspaper)  
 Eslerin, Georgia

The State of Alabama, }  
Baldwin County }

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DAVID ALLEN  
-----

Complainant-----

vs.

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ROSA DICK ALLEN  
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Defendant-----

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

In Equity.

The ----- COMPLAINANT -----

requests the oral examination of the following named witnesses, on behalf of the -----

-----  
Complainant -----

viz:

.....  
IDA F. HILL  
.....

.....  
VINCENT  
.....

.....  
said witnesses reside in the County of Baldwin -----

State of Alabama.

-----  
Helen P. Baugh -----

who resides at

-----  
Fairhope, Alabama -----

-----  
or, The Register of this Court is suggested as a suitable person  
to be appointed Commissioner to take the deposition of said witness on such oral examination.

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*Elliott G. Rinsley*  
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Solicitor for -----

*Complainant*  
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CIRCUIT COURT OF  
Baldwin County, Alabama

IN EQUITY

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DAVID ALLEN

---

Complainant..

vs.

ROSA DIOK ALLEN

---

Defendant..

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DEMAND FOR ORAL EXAMINATION

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Filed January 31, 1945

 Register.

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT

TO Helen P Baugh

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 David Allen. Ida Hill and Robert Vincent.

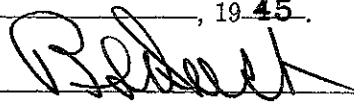
as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Davis Allen.

and Rosa Allen. Complainant

Defendant,  
on oath to be by you administered, upon them

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 31 day of Jan., 1945.



REGISTER

Commissioner's Fee \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

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

**THE STATE OF ALABAMA**

**Baldwin County**

**CIRCUIT COURT**

Complainant \_\_\_\_\_

**VS.**

Defendant \_\_\_\_\_

**Commission To Take Deposition**

**COMMISSIONER:**

**Witnesses:**



David Allen.

VS.

Rosa Allen.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY  
CIRCUIT COURT OF BALDWIN COUNTY

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

Decree Pro Confesso and Testimony of David Allen

Ida, Hill and Robert Vincent

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

R. Luck Register.

No. 1248

The State of Alabama,  
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

David Allen.

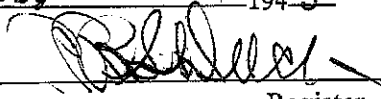
VS.

Rosa ~~Allen~~ Allen.

NOTE OF TESTIMONY

Filed in Open Court this 21st

day of Feb, 1945

  
Register.