

JOHN M. RABB

ATTORNEY-AT-LAW
BREWTON, ALABAMA

September 27th 1917

T. W. Richerson Esqr.,

Bayminette,

Dear Sir:

I herewith inclose bill for divorce. Please issue at once on it and tell the sheriff he will find her at Simon Hadley's near Escambia County line. Please advise me when served.

Yours Truly

John M. Rabb
Att'y

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon..... Pearl Weaver

of Baldwin..... County, to be and appear before the Judge of the Circuit Court of
Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to
answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by.....

Allen Weaver

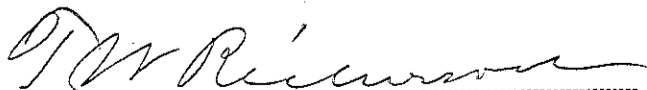
against said

Pearl Weaver

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant
shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement
thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this..... 28th..... day of..... September

..... 1917.....


.....
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Original

Serve on Pearl Weaver.
At Simons Hadleys, place.
CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No. 50

SUMMONS.

Allen Weaver

vs.

Pearl Weaver.

John M. Rabb

Solicitor for Complainant.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this 28th

day of September 1917

C. E. Centantke

Sheriff.

Executed this 13 day of

Nov

1917

by leaving a copy of the within Summons with

Pearl Weaver

Defendant

C. E. Centantke

Sheriff

By *O. B. Richardson*

Deputy Sheriff.

REQUEST FOR DIVORCE DECREE IN VACATION.

CHANCERY COURT.

The State of Alabama,
ESCAMBIA COUNTY

}DistrictDivison.
No..... Term, 191....

Allen Weaver

Complainant

vs.

Leart Weaver

Defendant.

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and the evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant by Solicitors of record now files with the Register of this Court this written request to deliver the papers in this cause to the Chancellor for final decree in vacation.

Tom Rank

Solicitors for Complainant.

The State of Alabama,

~~ESCAMBIA~~ COUNTY
Madison

CHANCERY COURT

Allen Weaver

Complainant

vs.

Allen Weaver

Defendant.

**Request for Divorce Decree in
Vacation**

Filed..... *Dec 22* 191*8*

T. H. ... Register

Recorded in

..... Record

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

..... Register

THE STATE OF ALABAMA,
BALDWIN COUNTY.

No. 50 CIRCUIT COURT, IN EQUITY.

Allen Weaver Complainant.....

vs.

Pearl Weaver Defendant.....

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso

~~proof of service~~

and testimony as noted by the Register; and, upon consideration thereof, the Court is of opinion that the Complainant is entitled to the relief prayed for in his

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 the said

Allen Weaver is forever divorced from the said

Pearl Weaver for and on account of

voluntarily deserting and abandoning the said Allen Weaver without just cause.

as alleged in said Bill of Complaint;

It is further ordered, that the said Allen Weaver

be, and he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Allen Weaver

pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Pearl Weaver

It is further ordered, adjudged and decreed that said Allen Weaver

shall not again marry except to said Pearl Weaver

until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Pearl Weaver during the pendency of said appeal.

This 22nd day of December

1917

A. D. Gamble

Judge of the Circuit Court of Baldwin County.

Recondition Minutes

Page 23,

No. *42*

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.
BALDWIN COUNTY, ALA.

Allen Weaver

vs.

Pearl Weaver.

DECREE OF DIVORCE.

Filed in office this *24th*

day of *Dec* 191*7*

T. W. Peirson
Register.

E. O. M.

The State of Alabama,

~~Baldwin~~ Baldwin Esacmbia County.

No. _____

CHANCERY COURT.

Allen Weaver
vs. Plaintiffs.

At Bayminette Alabama.

Pearle Weaver
Defendants.

189

DEPOSITION OF Ben Poston and W.M. Catrett

witness—, sworn and examined under and by virtue of a Commission issued out of the Chancery Court for the ~~Southeastern~~ First District of the Southeastern Chancery Division of Alabama, in a certain cause therein pending between Allen Weaver

Plaintiff—, and Pearl Weaver Defendant—

The said Ben Poston being duly sworn to speak the truth, the whole truth, and nothing but the truth, doth depose and say as follows:

To the first Interrogatory:

My name is ben Poston I am over the age of 21 years, I know the parties to this suit they are husband and wife but not now living together as husband and wife. Allen Weaver and Pearl Weaver are both over the age of 21 years and both resident citizens of Baldwin County Alabama and have so resided for more than three years next preceeding the filing of bill of Complaint. Pearl Weaver voluntarily abandoned Complainant some time in the Spring of 1914 and has never since returned to him to live with him as his wife.

Ben Poston

T.M.K.

The said W.M. Casrett being sworn to speak the truth and nothing but the truth saith:

To the first Interrogatory:

M. Catrett, I live in Baldwin County I am over the age of 21 years I know the parties to this suit, they are both over the age of 21 years and both resident citizens of Baldwin County where they have each resided for more than three years before the filing of this bill of complaint. They are married to each other but are not now living together as husband and wife. Pearl Weaver voluntarily abandoned Allen weaver in March 1914 and has never since returned to him to live with him as his wife.

W.M. Catrett

I, G. F. Rankin, the Commissioner
named in the annexed Commission, hereby certify, that the evidence of the witness
Ben Poston and W. M. Catrett

was written down by me under oath, and subscribed by Them in
at my presence at Brewton Alabama
on the 17th day of December 1917 189, and that I have personal knowledge
of said witness BEN POSTON and W. M. CATRETT
and that I am not of Counsel or of kin to any of the parties to the cause, or in any
manner interested in the result thereof.

Given under my hand and seal, this 17th day of December 1917 189

G. F. Rankin
Commissioner. L. S.

No. _____ Page _____

The State of Alabama.

Baldwin County.

CHANCERY COURT.

Allen Weaver
us.
Pearl Weaver

Plaintiffs.

Defendants.

Deposition of

Ben Poston

W. M. Catrett

for

DEPOSITION CAPTION AND CERTIFICATE

Fee, \$ _____

Filed _____

189

Published by order of Court,

189

Register.

Rogers Stationery Co., Birmingham, Ala. 1020

NOTE OF TESTIMONY

Allen Weaver

vs.

Pearl Weaver

Raymundo

in Chancery at ~~Brewton~~, Alabama.

Complainant, being called, offers the following testimony, to-wit:

1st.

2d.

Ben Polon

3d.

4th.

W. M. Catlett

5th.

6th.

Defendant, being also called, offers the following testimony, to-wit:

1st.

2d.

3d.

4th.

No _____ No _____

CHANCERY COURT,
Baldwin
Escambia County, Alabama.

Ben Poston

VS.

Pearl Poston

NOTE OF TESTIMONY

Filed in office *2* day

of *W* 191 *8*

J W

Register, &c.

5th.

6th.

I hereby certify that the above Note of Testimony is correct, this

day of _____ 191 _____

THE STATE OF ALABAMA,

No. 54

Baldwin County.

CIRCUIT COURT, IN EQUITY.

Allen Weaver

Complainant

vs.

Pearl Weaver

Defendant

In this cause it appears to the Register

that a Summons requiring the Defendant Pearl Weaver

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 Pearl Weaver

was served upon her by the Sheriff of Baldwin County, Alabama, on the 13th day of Nov 1917, 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 it is

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 Pearl Weaver

Defendant aforesaid.

This 13th day of December 1917

T. W. Richardson

Register.

No. 54. Page

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

Allen Weaver

vs.

Pearl Weaver

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued Dec 17th, 1917.

Register.

Recorded in Record,

Vol. Page

Register.

THE STATE OF ALABAMA,

Baldwin County,

CIRCUIT COURT, IN EQUITY,

Allen Weaver

vs. Complainant

Pearl Weaver

Defendant

COMMISSION TO TAKE DEPOSITION
ON INTERROGATORIES.

COMMISSIONERS:

C. F. Rankin

WITNESSES:

Ben Posten

W. M. Catrett.

DIRECTIONS FOR EXAMINATION OF WITNESSES UPON INTERROGATORIES.

1. If the time and place of executing the Commission are named therein, or in a notice appended thereto, the testimony must be taken at the time and place designated; if no time and place are designated, the Commissioners will call the witness before them at such time and place as they may appoint, and administer to him an oath to speak the truth, the whole truth, and nothing but the truth, in answer to the interrogatories to be propounded to him. The time and place of examining witnesses should be stated in the caption of the deposition.

2. The caption and deposition should be as follows:

THE STATE OF ALABAMA,

County.

Deposition of Richard Howe, a witness sworn (or affirmed, as the case may be) on the _____ day of _____, 19____,

at _____ in said State and County, under and by virtue of a commission issued out of the _____

Court of _____ in a certain cause therein pending between James Jones, the plaintiff (or complainant), and Samuel Young, defendant (or respondent). The said Richard Howe, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, doth depose and say as follows:

To the first interrogatory he saith: (Here write the answer of the witness as nearly as may be in the language of the witness, using the first person where he uses it).

To the second direct interrogatory he saith: (Write the answer to this interrogatory, and all others, as directed above).

If there are cross or rebutting interrogatories, go through with them in the same manner, thus:

To the first cross interrogatory he saith, etc.

To the second cross interrogatory he saith, etc.

To the first rebutting interrogatory he saith, etc.

Neither party should be permitted to put to the witness, during his examination, any verbal question or suggestion; and if anything of the kind is done by either party, the Commissioner should write it down in the deposition just as it occurred.

The testimony may be written down by any one or more of the Commissioners, by the witness himself, or by any disinterested third party in the presence of the Commissioners, and be read over to the witness if he desire it, and must be subscribed by him.

3. The Commissioners must then add their certificate, as follows:

We, (or I, if only one acts), the undersigned, Commissioners in said commission named, hereby certify that we are not of counsel or of kin to any of the parties to this cause, nor in any manner interested in the result thereof; that we are personally acquainted with said witness, J—N—, and know him to be the identical person named in said commission (or have had proof made before us of the personal identity of the witness, and that he is the identical person named in said commission); that he was sworn and examined as above stated; and that his evidence was taken down, as near as might be, in his own language, and was subscribed by him in our presence on the _____ day of _____, 19____, at the place above stated.

E. F. _____
G. H. _____
Commissioners.

If the Commissioners are not personally acquainted with the witness, they must have proof made before them that he is the identical person named in the commission, and so certify.

If the witness claims for his attendance, the Commissioners should state in their certificate the number of miles traveled, the number of days the witness attended, ferrage paid, if any, etc.

4. If any exhibits, writings, or papers are produced and used as evidence by the witness, they shall be annexed to the deposition to which they relate, and shall be identified by suitable letters or marks.

If the testimony cannot be taken in one day, the Commissioners, noting the same, may continue from day to day until completed.

5. The Commissioners will fold the depositions, commission, interrogatories, and exhibits, in a packet sealed with three seals. They will write their name or names across each seal, and direct thus:

Mailed the _____ day of _____, 19____.

E. F. _____
G. H. _____
To (give name and style of Clerk, Register, or Judge of Probate, as the case may be),

Depositions of J K and L M
C D
vs.
A B

If sent by private conveyance, should be endorsed: "Forwarded by R A, the _____ day of _____, 19____. The package must be delivered to the officer to whom it is directed. The person bringing the deposition will be required to take an oath that it has not been opened or altered since he received it.

The Commissioner must return the commission.

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

To C.F. Rankin Esq.

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commissioners, and by these presents do authorize you, or any one or more of you, at such time and place as you may appoint, to call before you and examine Ben Posten and W.M. Catrett

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

Allen Weaver

Complainant

and

Pearl Weaver

Respondent

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

Witness 15th, day of December 19 17.

[Signature] Register.

No. 50

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

Allen Weaver

Complainant

vs.

Pearl Weaver

Defendant

ORIGINAL BILL.

Filed September 28th 17.

T. W. Richerson Register.

John M. Rabb. Solicitor.

30

Allen Weaver)
VS) Circuit Court Baldwin County,
Pearle Weaver)
To Hon. A. E. Gamble Judge of Second Judicial Circuit,
sitting for Baldwin County Alabama:

Complainant Allen Weaver

h
^
Humbly complaining s^howeth unto your Honor:

First.

That he is a resident citizen of Baldwin county, in the state of Alabama and has so resided for more than three years next preceeding the filing of this complaint, Over the age of 21 years, that Pearl Weaver is over the age of 21 years and is also a resident citizen of Baldwin County.

Second.

That Complainant and Pearl weaver, whose maiden name was Pearl Mosely, were married in Escambia County Alabama several years ago and lived together as husband and wife until April 1913 at which time Defendant Pearl Weaver voluntarily abandoned Complainant and has not since returned to him to live with him as his wife.

The premises considered Complainant prays your Hon. that Pearl weaver be made a party defendant to this bill of complaint, and that the usual writ of subpoena be issued to her commanding her to plead answer or demur to the bill of complaint within the time prescribed by law and after hearing the evidence your honor will grant him a divorce from the said Pearl Weaver, and such other and further relief as in honor bound Complainant will ever pray etc.

Tom Rabb
Solicitor for Complainant

Foot Note.

Defendant is required to answer each paragraph of the bill from one to two inclusive, but answer under oath is hereby expressly waived.

Tom Rabb
Solicitor for Complainant.

Bill For Dorce

Allen Weaver

— 70 —

Pearle Weaver

Filed 9/28/917

J. W. Peterson
Register