

(2871)

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County
CIRCUIT COURT, IN EQUITY

VINCIE E. STEWART

, Complainant

vs.

JAMES D. STEWART

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication 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 Vincie E. Stewart is forever divorced from the said James D. Stewart 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 Vincie E. Stewart the Complainant pay the cost herein to be taxed, for which execution may issue.

This 12th day of November, 1952

Jefferson A. Madley
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

VINCIE E. STEWART

Complainant

vs.

JAMES D. STEWART

Respondent

DIVORCE DECREE

Filed 11-1-52

*Carrie French
Register*

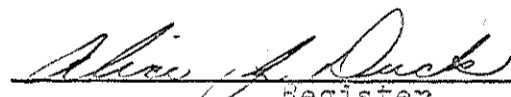
VINCIE E. STEWART,	¶	IN THE CIRCUIT COURT OF
Complainant,	¶	BALDWIN COUNTY, ALABAMA
vs.	¶	IN EQUITY.
JAMES D. STEWART,	¶	
Respondent.	¶	

It being made to appear from the Affidavit of Vincie E. Stewart, the Complainant in the above styled cause that James D. Stewart, the Respondent in said cause is over the age of twenty-one years and a non-resident of the state of Alabama;

NOTICE IS HEREBY GIVEN to James D. Stewart that on August 19, 1952, Vincie E. Stewart filed her Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, against the said James D. Stewart, as Respondent, and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint within thirty (30) days from September 29, 1952, or a decree pro confesso will be rendered against you.

In said Bill of Complaint the said Vincie E. Stewart prays for a divorce from the said James D. Stewart for and on account of abandonment.

WITNESS my hand and seal this 19th day of August, 1952.


Register.

#2871

NOTICE

VINCIE E. STEWART,

Complainant,

vs.

JAMES D. STEWART,

Respondent.

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

filed aug 19, 1952
Alice J. Duck
Register

VINCIE E. STEWART,	∩	IN THE CIRCUIT COURT OF
Complainant,	∩	BALDWIN COUNTY, ALABAMA
vs.	∩	IN EQUITY.
JAMES D. STEWART,	∩	
Respondent.	∩	

It being made to appear in the above styled cause from the Bill of Complaint and Affidavit of Vincie E. Stewart, that James D. Stewart is over the age of twenty-one years and a non-resident of the State of Alabama, and in the Bill of Complaint filed by the said Vincie E. Stewart against James D. Stewart, such Complainant has prayed that this Court enter an appropriate order of publication, making the said James D. Stewart a Respondent in said cause and requiring him to appear and plead, answer or demur to the Bill of Complaint filed in said cause before a date to be named in such notice;

It is therefore, ORDERED AND DECREED that such notice be prepared and published in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four (4) consecutive weeks and that a copy of such notice be posted at the Courthouse door in Bay Minette, Alabama; that in said notice that said Respondent be required to plead, answer or demur to such Bill of Complaint within thirty days from September 29, 1952.

WITNESS my hand and seal this 19th day of August, 1952.

Alice J. Duck

 Register.

#2871

ORDER OF PUBLICATION

VINCIE E. STEWART,

Complainant,

vs.

JAMES D. STEWART,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Filed: August 19th 1952.

Alvin J. Duck
Register.

VINCIE E. STEWART

Complainant

vs.

James D. Stewart

Respondent.

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, Order
of Publication, Notice, Affidavit of Publication, Decree Pro
Confesso on Publication and Testimony of Vincie E. Stewart and
Mrs. C. H. Roth.

and in behalf of Defendant upon

Vincie E. Stewart
James D. Stewart Register.
Wm. J. H. Hester

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

VINCIE E. STEWART

Complainant

vs.

JAMES D. STEWART,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 31st

day of Oct, 1942

W. J. French
Register.

The BALDWIN

ALABAMA'S BEST COUNTY'S- *Times* BEST NEWSPAPER
BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Jimmy Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Vincie E. Stewart vs.

James D. Stewart

VINCIE E. STEWART, Complainant
Vs.
JAMES D. STEWART, Respondent
In The Circuit Court of Baldwin County,
Alabama, In Equity

It being made to appear from the affidavit of Vincie E. Stewart, the Complainant in the above styled cause that James D. Stewart, the Respondent in said cause is over the age of twenty-one years and a non-resident of the state of Alabama;

NOTICE IS HEREBY GIVEN to James D. Stewart that on August 19, 1952, Vincie E. Stewart filed her Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, against the said James D. Stewart, as Respondent, and you are hereby notified to appear and plead, answer or demur to said Bill of Complaint within thirty (30) days from September 29, 1952, or a decree pro confesso will be rendered against you.

In said Bill of Complaint the said Vincie E. Stewart prays for a divorce from the said James D. Stewart for and on account of abandonment.

WITNESS my hand and seal this 19th day of August, 1952.

ALICE J. DUCK
Register. 32-4tc.

COST STATEMENT

176 WORDS @ 6 1/2 cents --- \$ 11 54

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Aug. 28, 1952 Vol. 63 No. 32

Date of 2nd publication Sept. 4, 1952 Vol. 63 No. 33

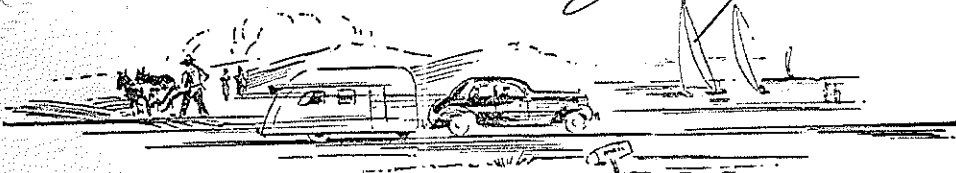
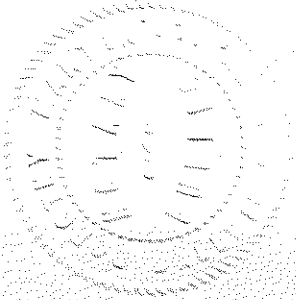
Date of 3rd publication Sept. 11, 1952 Vol. 63 No. 34

Date of 4th publication Sept. 18, 1952 Vol. 63 No. 35

Subscribed and sworn before the undersigned this 18 day of Sept., 1952

Danson Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

VINCIE E. STEWART

Complainant

VS.

JAMES D. STEWART

Respondent

I, Alice L. Miller

as ~~Register and~~ Commissioner

have called and caused to come before me Vincie E. Stewart and Mrs. C. H. Roth

witness ~~es~~ named in the Requirement for Oral Examination, on the 31 day of October ~~194~~ 52, at the office of Chason & Stone in Bay Minette, Alabama, and having first sworn said Witness ~~es~~ to speak the truth, the whole truth, and nothing but the truth, the said Vincie E. Stewart and Mrs. C. H. Roth doth depose and say as follows:

TESTIMONY OF VINCIE E. STEWART

My name is Vincie E. Stewart; I am over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, residing at Robertsdale, Alabama, where I have lived for the last 15 years. James D. Stewart is over the age of twenty-one years and is a non-resident of the State of Alabama, his place of residence being unknown to me. I married James D. Stewart on July 15, 1921 and we lived together as man and wife until July 31, 1930, when James D. Stewart voluntarily abandoned my bed and board without just cause or legal excuse and has failed and refused to live with me as his wife since that time. That James D. Stewart and I have not lived together as man and wife since July 31, 1930. I have not heard from James D. Stewart in more than 20 years and I have no idea where he now lives. I do not know of any way that I could ascertain his present Post Office address. In my opinion he is not in military service as he would be approximately 57 years of age at this time if he is still living.

Vincie E. Stewart
Vincie E. Stewart.

TESTIMONY OF MRS C. H. ROTH

My name is Mrs. C. H. Roth and I am over the age of 21 years and reside at Robertsdale, Baldwin County, Alabama, where I have lived for the past five years. I am personally acquainted with Vincie E. Stewart and was personally acquainted with James D. Stewart at the time of his marriage to Vincie E. Stewart on July 15, 1921. Vincie E. Stewart and James D. Stewart have not lived together as man and wife since July 31, 1930.

Mrs. C. H. Roth
Mrs. C. H. Roth.

ORAL EXAMINATION.

I, Alice L. Miller, 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 es and read over to them and they signed the same in the presence of myself and John Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; 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 31st day of October, 1952.

Alice L. Miller (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

VINCIE E. STEWART

vs. Complainant

JAMES D. STEWART

Respondent.

Oral Deposition

Filed 10-31, 1952

Alice L. Miller, Register.
Recorded in _____

Record _____

Vol. _____ Page _____
Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

VINCIE E. STEWART

Complainant

Vs.

JAMES D. STEWART

Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 28th day of August, 1952, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 28th day of August 1952 and _____

And it now further appearing to the Register Alice J. Duck, that the said James D. Stewart

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 Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said James D. Stewart

This 31st day of Oct 1952

Alice J. Duck Register.

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

VINCIE E. STEWART

Vs.

JAMES D. STEWART

Decree Pro Confesso of Publication

Issued 10-31 1952

Alice J. French
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

VINCIE E. STEWART _____ Complainant

Vs.

JAMES D. STEWART _____ Defendant

Motion is hereby made for a Decree Pro Confesso against James D. Stewart

_____ 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 31st day of October, 19 52

746 Code

Thasora Stone Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

VINCIE E. STEWART

Complainant _____

Vs.

JAMES E. STEWART

Defendant _____

Motion for Decree Pro Confesso
On Publication

Filed 10-31, 1952

Alice J. Newson

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: ALICE L. MILLER

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 Vincie E. Stewart and Mrs. C. H. Roth

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

_____ , Complainant
and James D. Stewart

_____ Respondent
on oath, to be by you administered, upon Vincie E. Stewart and Mrs. C. H. Roth to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 31st day of October, 1952

Alice L. Miller
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

VINCIE E. STEWART

Complainant—

vs.

JAMES D. STEWART

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Alice L. Miller

WITNESSES:

Vincie E. Stewart

Mrs. C. H. Roth

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - IN EQUITY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon James D. Stewart to appear and plead, answer or demur within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Vincie E. Stewart, as Complainant, against James D. Stewart, as Respondent.

Witness my hand this 19th day of August, 1952.

Vincie E. Duck
Register.

The premises considered, your Complainant prays that the above named James D. Stewart be made a party Respondent to this cause by the usual writ or process of this Honorable Court requiring him to appear and 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 the Respondent being a non-resident of the State of Alabama, that your Honor will cause a notice to be published in some newspaper published in Baldwin County, Alabama, for four consecutive weeks, such notice to require the Respondent to plead, answer or demur before a date to be named therein, as required by the laws of the State of Alabama; that upon

PRAYER FOR PROCESS AND RELIEF

That your Complainant and Respondent were married on heretofore to-wit, July 15, 1921, and they lived together as man and wife until July 31, 1930, when the Respondent voluntarily abandoned the bed and board of your Complainant, without just cause or legal excuse and the Respondent has failed and refused to live with your Complainant since that time. That your Complainant and Respondent have not lived together as man and wife since July 31, 1930.

SECOND:

That your Complainant is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, residing at Robertsdale, where she has resided for the past fifteen years; that the Respondent is over the age of twenty-one years and a non-resident of the State of Alabama.

FIRST:

Comes the Complainant in the above styled cause and files this her Bill of Complaint for divorce and shows unto this Court and unto your Honor as follows:

TO THE HONORABLE TRIAL J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

VINCIE E. STEWART, Complainant,
 vs.
 JAMES D. STEWART, Respondent.
 IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
 IN EQUITY.

a final hearing of this cause that your Honor will grant unto your Complainant an absolute divorce from said Respondent; that your Honor will also decree that your Complainant be allowed to remarry if she sees fit. Should your Complainant be mistaken in the relief prayed for that there be granted to her such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.

James E. Stewart
Complainant.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, John Chason, a Notary Public, in and for said

County in said State, personally appeared Vincie E. Stewart, who is known to me and who, after being by me first duly and legally sworn, doth depose and say under oath as follows:

That her name is Vincie E. Stewart; that she is over the age of twenty-one years and a resident citizen of Robertsdale, Baldwin County, Alabama, where she has lived for the past fifteen years;

that she is the Complainant in the above styled cause and that James

D. Stewart is the Respondent in said cause and is a non-resident of the

State of Alabama; that she has not seen or heard from him for more

than twenty-two (22) years; that she has made a diligent inquiry to

ascertain his present residence and Post Office address and has been

unable to secure this information, but he is a non-resident of the

State of Alabama, and is over the age of twenty-one years.

James E. Stewart

Sworn to and subscribed before

me this 19th day of August, 1952.

John Chason
Notary Public, Baldwin County, Ala.