

2870

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

DAISY TAYLOR MILLER, Complainant

vs.

WILL MILLER, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication, Non-Military Affidavit 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 DAISY TAYLOR MILLER is forever divorced from the said WILL MILLER 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 DAISY TAYLOR MILLER the Complainant pay the cost herein to be taxed, for which execution may issue.

This 12th day of December, 1952.

J. J. Madbury, 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 \_\_\_\_\_ 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 12-12-52  
Alice French  
Clerk*

ROBERT E. HODNETTE, JR.  
ATTORNEY AT LAW  
ANNEX FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA

2 December 1952

Mrs. Alice J. Duck, Register  
Circuit Court of Baldwin County  
Bay Minette, Alabama.

Re: Daisy Taylor Miller v.  
Will Miller.

Dear Mrs. Duck:

Please enter a decree pro confesso in this case and forward to me  
the commission to take testimony, directed to Megan R. Allen.

There is enclosed affidavit of non-military service, together with  
demand for oral examination of the witnesses.

Very truly yours

  
Robert E. Hodnette Jr.

REHjr/mra

Enclosures.

**NOTICE TO NON-RESIDENT**

The Baldwin Times, Bay Minette, Alabama

Daisy Taylor Miller

No. 2899

Will Miller

vs.

The State of Alabama,

Baldwin County.

Circuit Court, in Equity

This the 27th day of

September, 1942

In this cause it being made to appear to the Clerk of this Court by the affidavit of Daisy Taylor Miller

that the Defendant Will Miller

is a non-resident of the State of Alabama

and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring

Will Miller the said Defendant

to answer or demur to the Bill of Complaint in this cause by the 27th day of October 1942, or after thirty days therefrom a decree Pro Confesso may be taken against him

*Archie J. ...*

Register.

Robert E. Hodnotte, Jr  
Solicitor For Complainant

# The BALDWIN TIMES

ALABAMA'S BEST COUNTY'S-  
BAY MINETTE, ALABAMA

ALABAMA'S BEST COUNTY'S-  
BAY MINETTE, ALABAMA

**NOTICE TO NON-RESIDENT**  
DAISY TAYLOR MILLER  
No. 2833  
vs.  
WILL MILLER

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

The State of Alabama, Baldwin County  
Circuit Court in Equity  
This the 27th day September, 1952.  
In this cause it being made to appear  
to the Clerk of this Court by the affidavit  
of Daisy Taylor Miller that the Defendant  
Will Miller is a non-resident of the State  
of Alabama and further, that in the  
belief of said Affiant the Defendant is  
over the age of 21 years; it is, therefore,  
ordered that publication be made in the  
Baldwin Times, a newspaper published  
in Bay Minette, Baldwin County, Alabama,  
once a week for four consecutive weeks,  
requiring Will Miller, the said Defend-  
ent to answer or demur to the Bill of  
Complaint in this cause by the 27th day  
of October, 1952, or after thirty days  
therefrom a decree Pro Confesso may be  
taken against him.  
ALICE J. DUCK,  
Register.  
Robert E. Hodnotte, Jr.,  
Solicitor For Complainant 37-4tc.

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

Daisy Miller vs.  
Will Miller

### COST STATEMENT

161 WORDS @ 6 1/2 cents --- \$ 10 46  
I hereby certify this is correct, due and unpaid (paid)

Jimmy Faulkner  
Publisher.

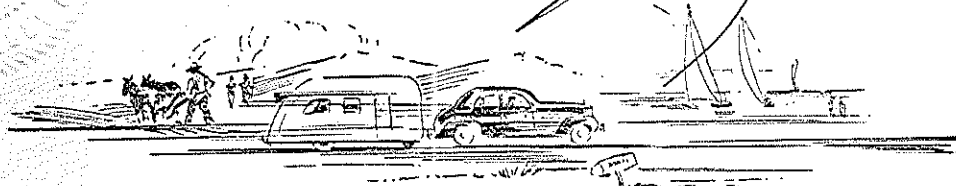
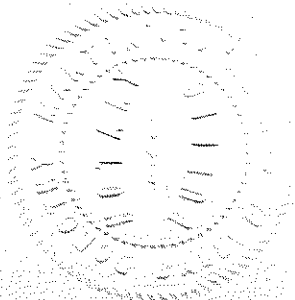
Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Oct. 2, 1952 Vol. 63 No. 37  
Date of 2nd publication Oct. 9, 1952 Vol. 63 No. 38  
Date of 3rd publication Oct. 16, 1952 Vol. 63 No. 39  
Date of 4th publication Oct. 23, 1952 Vol. 63 No. 40

Subscribed and sworn before the undersigned this 25 day of Oct, 1952.

Dorothy Martin  
Notary Public, Baldwin County.

Jimmy Faulkner  
Publisher.

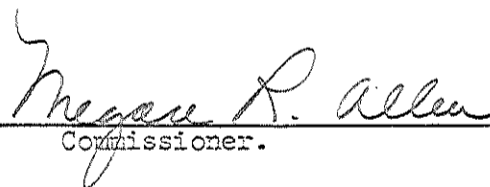


C E R T I F I C A T E

I, Megan R. Allen, the commissioner named in the foregoing commission issued out of the Circuit Court of Baldwin County, In Equity, do hereby certify that in a certain cause pending in said Court, wherein Daisy Taylor Miller is the complainant, and Will Miller is the respondent, being Case No. 2899, under and by virtue of the power conferred upon me by said commission, I caused Daisy Taylor Miller and Carrie Belle McNeal, who are known to me, and who are known to me to be the identical witnesses named in the commission, to come before me at 407 First National Bank Annex, Mobile, Alabama, on the 8th day of December, 1952; that said witnesses were first duly sworn by me, and that they were examined under said commission and testified in response thereto, and that their testimony was reduced to writing by me, as near as might be, in the identical language of said witnesses, and that after their testimony had been so reduced to writing, it was read over to the said witnesses, who assented to and signed the same in my presence and in the presence of the solicitor for the complainant.

I further certify that I am not of counsel or kin to any of the parties to this cause, and I am not in anywise interested in the result thereof.

WITNESS my hand this 8th day of December, 1952.

  
\_\_\_\_\_  
Commissioner.

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: Megan R. Allen

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 Daisy Taylor Miller and Carrie Belle McNeal

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

Complainant  
and Will Miller

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 December, 1952

Reice J. ...  
Register.

Commissioner's Fee, \$5.00 - Paid

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

No. 2899

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

DAISY TAYLOR MILLER

Complainant—

vs.

WILL MILLER

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Megan R. Allen

WITNESSES:



TESTIMONY OF DAISY TAYLOR MILLER

My name is Daisy Taylor Miller, and I am the complainant in this cause. I am over twenty-one years of age, and I am a bona fide resident citizen of Perdido, Baldwin County, Alabama, and I have resided there continuously for more than fifty years next immediately preceeding the filing of the bill of complaint. Will Miller is over the age of twenty-one years and is a non-resident of the State of Alabama, but I do not know his address.

He and I were lawfully married to each other in June, 1926, at Perdido, Alabama, and lived together as man and wife at Perdido for about two years, when during the year 1928 he voluntarily abandoned my bed and board without any cause or fault on my part, and without my consent, and without any intention to return, as I have neither seen nor heard from him since that time, nor has he ever supported me in any way since he left me in 1928; this abandonment has been continuous and uninterrupted since 1928, up to and including the present time.

*Daisy Taylor Miller*  
\_\_\_\_\_  
Daisy Taylor Miller

TESTIMONY OF CARRIE BELLE McNEAL

My name is Carrie Belle McNeal, and I live at 2409 Redmond Street, Mobile, Alabama, and I have lived in Mobile for fourteen years prior to this time.

Daisy Taylor Miller is my aunt, and I remember when she and Will Miller were married to each other at Perdido, Alabama, about twenty-four or twenty-five years ago. I was living in Perdido at that time. Daisy is over twenty-one years of age, and while I have not seen or heard from Will Miller in about twenty-three years, I know he is over twenty-one years of age.

After they were married they lived together as husband and wife for about two years in Perdido, and then Will left Daisy and has never returned. I have not seen him since. There were no children born to them during their married life. I know that Daisy has lived continuously in Perdido, Alabama, all of her life, and still resides there.

*Carrie Belle McNeal*  
Carrie Belle McNeal

DAISY TAYLOR MILLER,            ¶     IN THE CIRCUIT COURT OF  
                                  ¶     BALDWIN COUNTY, ALABAMA.  
                                  ¶                    IN EQUITY  
-vs.-                             ¶     CASE NO. \_\_\_\_\_  
WILL MILLER,                    ¶  
                                  ¶     Respondent.

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA, SITTING IN EQUITY:

ONE

Your complainant avers that she and the respondent are each over the age of twenty-one years, that your complainant is a bona-fide resident citizen of Baldwin County, Alabama, and has been such for a period of more than one year next immediately preceeding the filing of this bill of complaint, but that the respondent is a non-resident, whose address is otherwise unknown.

TWO

Complainant avers that she is the lawful wife of the respondent, they having been lawfully married to each other in June, 1926, at Perdido, Alabama.

THREE

Complainant avers that the respondent voluntarily abandoned her bed and board without any cause or fault on her part, without her consent and without any intention to return, during the year of 1928, and that said abandonment has been continuous and uninterrupted for a period of more than one year next immediately preceeding the filing of this bill of complaint.

PRAYER FOR PROCESS

Wherefore, your complainant prays that upon the filing of this bill of complaint, that proper process issue to Will Miller, making him a party respondent and requiring him to appear and plead, answer or demur to the allegations thereof within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant prays that upon the final hearing of this cause that Your Honors will grant to her an absolute divorce from the bonds of matrimony with the said respondent, and will grant unto her the

right to remarry, in the event she should so desire.

Daisy Taylor Miller  
Complainant.

Robert E. Haddock  
Director for Complainant

STATE OF ALABAMA, )  
COUNTY OF BALDWIN. )

Before me, the undersigned authority, personally appeared Daisy Taylor Miller, who by me first having been duly sworn, deposes and says that she is the complainant in the foregoing cause, that she has not seen nor heard of the respondent, Will Miller, since, to-wit, the year 1928, and that she does not know his place of residence, but she is informed and believes, and upon such information and belief states that he is a non-resident of the State of Alabama, and that process can only be had upon him by publication.

29  
30  
31  
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*Taylor*  
*Daisy Taylor Miller*  
Daisy Taylor Miller

FILED  
211  
27 1952

NOTARY PUBLIC

Subscribed and sworn to before me this  
25 day of Sept, 1952.

*Robert C. Adair*  
Notary Public, State of Alabama At Large.

STATE OF ALABAMA, )

COUNTY OF BALDWIN. )

NON-MILITARY AFFIDAVIT

Before me, the undersigned authority, personally appeared Daisy Taylor Miller, who by me being first duly sworn, deposes and says that she is the complainant in the foregoing cause, and that she was married to Will Miller at the time and place indicated in the bill of complaint; that she is informed and believes, and upon such information and belief avers that the said Will Miller is not now, nor was he at the time the bill of complaint in this cause was filed, a member of the armed forces of the United States; that his present age is approximately sixty-five years.

Daisy Taylor Miller  
Daisy Taylor Miller

Subscribed and sworn to before me  
this the 19<sup>th</sup> day of November, 1952.

Robert E. Hodges  
Notary Public, State of Alabama at large.

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT, IN EQUITY

No. 2899, Term, 19

DAISY TAYLOR MILLER

Complainant

Vs.

WILL MILLER

Defendant

Motion is hereby made for a Decree Pro Confesso against

WILL MILLER

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 3rd day of December, 1952.

746 Code

*Robert E. Henderson*

Solicitor.

**RECORDED**

No. 2899 Page \_\_\_\_\_

**THE STATE OF ALABAMA  
BALDWIN COUNTY**

**CIRCUIT COURT, IN EQUITY**

DAISY TAYLOR MILLER

Complainant \_\_\_\_\_

Vs.

WILL MILLER

Defendant \_\_\_\_\_

**Motion for Decree Pro Confesso  
On Publication**

Filed 12-3, 1952

Eric J. Nuck  
Register.

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

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

Register.



THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 2899 \_\_\_\_\_, Term, 19\_\_\_\_

DAISY TAYLOR MILLER \_\_\_\_\_ Complainant

Vs.

WILL MILLER \_\_\_\_\_ 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 2nd day of October, 1952, in the 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 County, on the 2nd day of October 1952 and \_\_\_\_\_

And it now further appearing to the Register Alice J. Duck that the said Will Miller \_\_\_\_\_

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 WILL MILLER \_\_\_\_\_

This 3rd day of December 1952

Alice J. Duck \_\_\_\_\_ Register.

DAISY TAYLOR MILLER,            ¶     IN THE CIRCUIT COURT OF  
                                  ¶     BALDWIN COUNTY, ALABAMA.  
-vs.-                             ¶     IN EQUITY  
WILL MILLER,                    ¶     CASE NO. \_\_\_\_\_  
                                  ¶

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA, SITTING IN EQUITY:

ONE

Your complainant avers that she and the respondent are each over the age of twenty-one years, that your complainant is a bona-fide resident citizen of Baldwin County, Alabama, and has been such for a period of more than one year next immediately preceding the filing of this bill of complaint, but that the respondent is a non-resident, whose address is otherwise unknown.

TWO

Complainant avers that she is the lawful wife of the respondent, they having been lawfully married to each other in June, 1926, at Perdido, Alabama.

THREE

Complainant avers that the respondent voluntarily abandoned her bed and board without any cause or fault on her part, without her consent and without any intention to return, during the year of 1928, and that said abandonment has been continuous and uninterrupted for a period of more than one year next immediately preceding the filing of this bill of complaint.

PRAYER FOR PROCESS

Wherefore, your complainant prays that upon the filing of this bill of complaint, that proper process issue to Will Miller, making him a party respondent and requiring him to appear and plead, answer or demur to the allegations thereof within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant prays that upon the final hearing of this cause that Your Honors will grant to her an absolute divorce from the bonds of matrimony with the said respondent, and will grant unto her the

right to remarry, in the event she should so desire.

Laisy Taylor Miller  
Complainant.

Robert E. Adnette  
Attorney for Complainant

STATE OF ALABAMA, )  
COUNTY OF BALDWIN. )

Before me, the undersigned authority, personally appeared Daisy Taylor Miller, who by me first having been duly sworn, deposes and says that she is the complainant in the foregoing cause, that she has not seen nor heard of the respondent, Will Miller, since, to-wit, the year 1923, and that she does not know his place of residence, but she is informed and believes, and upon such information and belief states that he is a non-resident of the State of Alabama, and that process can only be had upon him by publication.

Daisy Taylor Miller  
Daisy Taylor Miller

Subscribed and sworn to before me this  
25 day of Sept, 1952.

Robert E. Hodges  
Notary Public, State of Alabama At Large.

DAISY TAYLOR MILLER

Complainant

No. 2899 VS.

WILL MILLER,  
Respondent

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

**ORDER OF SUBMISSION**

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

**NOTE OF EVIDENCE**

At the hearing of this cause the following note of evidence was taken to wit:

**FOR COMPLAINANT**

FILED, 12-10-52  
Blair Hester Register

- 1. Bill of Complaint.
- 2. Non Military Affidavit
- 3. Non Resident Affidavit
- 4. Decree pro confesso
- 5. Testimony of Daisy Taylor Miller
- 6. Testimony of Carrie Belle McNeal

Robert E. Hester Jr  
Solicitor-for Complainant

**FOR RESPONDENT**

\_\_\_\_\_  
Solicitor-for Respondent

Daisy Taylor Miller

Complainant

No. .... Vs.

Will Miller

Defendant

CIRCUIT COURT OF ~~MOBILE~~ BALDWIN  
COUNTY, ALABAMA.  
IN EQUITY

DEMAND FOR ORAL EXAMINATION

The State of Alabama,  
Mobile County }

The complainant

on her behalf, viz:  
Moore

requests the oral examination of the following named witnesses  
Daisy Taylor Miller, Carrie Bell McNeal and Arthur Early

said witnesses reside in the County of Baldwin

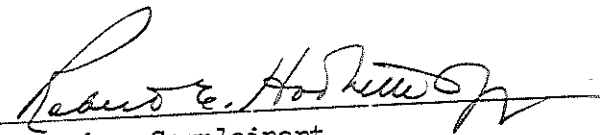
State of Alabama . Megan R. Allen

who reside at 407 Annex First National Bank Building, Mobile, Alabama,

is suggested as suitable person to be appointed Commissioner to take deposition of said witness  
on such oral examination.

Filed \_\_\_\_\_

~~JAMES A. CRANE~~, Register.

  
Solicitor for Complainant.

No. ....

**CIRCUIT COURT OF MOBILE COUNTY,  
Mobile, Alabama**

Vs.

**DEMAND FOR ORAL EXAMINATION**

**FILED**

DEC 3 1952

ALISE J. DUCK, Register

6688