

4167

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Sarah Milstead, Complainant

vs.

Clayton Milstead, 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 Sarah Milstead is forever divorced from the said Clayton Milstead for and on account of Cruelty

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Complainant be and she is hereby awarded the care, custody and control of the three minor children, Joel Clayton Milstead, David Allen Milstead and Rose Ann Milstead.

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

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

This 6th day of February 1958

Robert M. Hall 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

Sarah Milstead

Complainant

vs.

Clayton Milstead

Respondent

DIVORCE DECREE

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons CLAYTON MILSTEAD 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 SARAH MILSTEAD as Complainant, and against Clayton Milstead, as Respondent.

WITNESS my hand this the _____ day of November, 1957.

Registered

SARAH MILSTEAD	§	
		IN THE CIRCUIT COURT OF
COMPLAINANT	§	
		BALDWIN COUNTY, ALABAMA,
VS	§	
		IN EQUITY
CLAYTON MILSTEAD	§	
RESPONDENT	§	

TO HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainant, Sarah Milstead, respectfully represents unto Your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident citizen of Baldwin County, Alabama, and over twenty-one years of age; that the Respondent is over twenty-one years of age and is a non-resident of the State of Alabama, and his address cannot be ascertained after a diligent search and inquiry; that his last known address was Galveston, Texas.

2.

That your Complainant and the Respondent were married at Lucedale, Mississippi on June 19, 1948, and lived together as husband and wife until on, to-wit, August 17, 1957.

3.

That on, to-wit, August 17, 1957, and on various occasions prior thereto, the Respondent cursed, threatened and abused your Complainant and threatened to do actual violence to her person, which would necessarily endanger her life and health; that the conduct of the Respondent was such as to give

your Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with the Respondent he would do actual violence to her person, which would necessarily endanger her life and health.

4.

That there was born to the marriage between your Complainant and the Respondent three children, Joel Clayton Milstead, now 8 years old; David Allen Milstead, age 7; and Rose Ann Milstead, age 5; who are now and have been all of their lives with their mother, the Complainant; that your Complainant is a suitable, fit and proper person to have their care, custody and control.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Clayton Milstead party respondent to this Bill of Complaint requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing hereof, Your Honor will enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that your Complainant be awarded the permanent care, custody and control of the minor children, Joel Clayton Milstead, David Allen Milstead and Rose Ann Milstead; Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

Walters & Brantley

BY: 
Attorneys for the Complainant

70.4167

SARAH MILSTEAD

COMPLAINANT

VS

CLAYTON MILSTEAD

RESPONDENT

BILL OF COMPLAINT

FILED
NOV 18 1957
AIGLE J. DUCK, Register



THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

Legal Notice

NOTICE TO NON-RESIDENT
SARAH MILSTEAD,
No. _____
CLAYTON MILSTEAD
The State of Alabama,
Baldwin County,
Circuit Court, in Equity
This the 18th day of November,
1957.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Mrs. Sarah Milstead that the Defendant Clayton Milstead is a non resident of the State of Alabama, that his last known address was Galveston, Texas, 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, beginning the said Clayton Milstead answer or demur to the Bill of Complaint in this cause by the 10th day of December, 1957, or, after thirty days therefrom a decree Pro Confesso may be taken against Clayton Milstead.

ALICE J. DICKSON
Clerk of Court
II of Block 5, Town of Silverhill
August Carlson, complainant vs. Clayton Milstead, defendant.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Sarah Milstead
vs
Clayton Milstead

COST STATEMENT

169 WORDS @ 62 cents \$ 10.99

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

E. R. Morrisette, Jr.
Editor.

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

- Date of 1st publication Nov. 21, 1957 Vol. 69 No. 45
- Date of 2nd publication Nov. 29, 1957 Vol. 69 No. 46
- Date of 3rd publication Dec. 5, 1957 Vol. 69 No. 47
- Date of 4th publication Dec. 12, 1957 Vol. 69 No. 48

Subscribed and sworn before the undersigned this 17 day of Dec, 1957

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

4167

FILED
DEC 17 1957
ALICE J. BUCK, Register

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

Sarah Milstead

Clayton Milstead

vs.

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, _____
decree pro confesson on publication, testimony of Sarah Milstead and W. J.
Nelson.

and in behalf of Defendant upon _____

*Walters & Brantley
by Harry J. Walters*

Alise J. Busch
Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Sarah Milstead

vs.

Clayton Milstead

NOTE OF TESTIMONY

Filed in Open Court this

6

day of

Feb

, 1958

Archie A. ...
Register.

SARAH MILSTEAD

COMPLAINANT

VS

CLAYTON MILSTEAD

RESPONDENT

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

Before me Frank Wood, the undersigned

authority, personally appeared Sarah Milstead, who first being duly sworn, deposes and says: That Clayton Milstead, the Respondent in the above stated cause, is a non resident of the State of Alabama, and that his place of residence is unknown, and that it cannot be ascertained after reasonable effort; that his last known residence was Galveston, Texas, and further, that in the belief of said affiant the said respondent is over the age of twenty-one years.

Mrs Sarah Milstead

Sworn to and subscribed before me this 16 day of November, 1957.

Frank Wood
Notary Public, State of Alabama at large
My commission expires Sept. 25, 1961
Bonded by Employers Liability Assurance Corporation
Notary Public, Baldwin County, Alabama

70.4167

SARAH MILSTEAD

COMPLAINANT

VS

CLAYTON MILSTEAD

RESPONDENT

AFFIDAVIT OF NON-RESIDENCE

FILED

NOV 18 1957

ALICE J. DUCK, Register

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

Sarah Milstead Complainant

Vs.

Clayton Milstead 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 21st day of November, 1957, 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 _____ County, on the _____ day of _____, 194____ and _____

And it now further appearing to the Register Alice J. Duck, that the said Clayton Milstead

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 Clayton Milstead

This 5th day of February, 1958.
Alice J. Duck, Register.

**THE STATE OF ALABAMA,
Baldwin County**

CIRCUIT COURT, IN EQUITY

Sarah Milstead

Vs.

Clayton Milstead

Decree Pro Confesso of Publication

Issued 2 11, 1958

Wesley J. Hurchell
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

Sarah Milstead

Complainant

Vs.

Clayton Milstead

Defendant

Motion is hereby made for a Decree Pro Confesso against Clayton Milstead

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 4th day of February, 1958.

746 Code

Henry J. Wilting, Jr.

Solicitor.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Sarah Milstead

Complainant _____

Vs.

Clayton Milstead

Defendant _____

Motion for Decree Pro Confesso
On Publication

Filed 2-4, 1958

Alvin J. Huch
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

Sarah Milstead

No. _____

The State of Alabama,

_____ County.

vs.
Clayton Milstead

Circuit Court, in Equity

This the 18 day of

Nov 1957

In this cause it being made to appear to the Clerk of this Court by the affidavit of Mrs. Sarah Milstead

that the Defendant Clayton Milstead

is a non-resident of the State of Alabama, that his last known address was Galveston, Texas;

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 the said Clayton Milstead

to answer or demur to the Bill of Complaint in this cause by the 18 day of Dec 1957 or after thirty days therefrom a decree Pro Confesso may be taken against Clayton Milstead

Winters + Brantley
Register.

Winters + Brantley
Attorneys for complainant.

MO. 4167

SARAH WILSTEAD

COMPLAINANT

VS

CLAYTON WILSTEAD

RESPONDENT

NOTICE TO NON-RESIDENCE

FILED

NOV 18 1957

MAICE J. DUCK, Register

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Evelyn Watts

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Sarah Milstead and W. J. Nelson

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

and Clayton Milstead, Complainant

Respondent on oath, to be by you administered, upon Sarah Milstead and W. J. Nelson 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 February, 1958

Deice J. - [Signature] Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Sarah Milstead

Complainant _____

VS.

Clayton Milstead

Defendant _____

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Evelyn Watts

WITNESSES:

Sarah Milstead

W. J. Nelson

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

Sarah Milstead COMPLAINANT

vs.

Clayton Milstead RESPONDENT

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Sarah Milstead and W. J. Nelson

witnesses named in the requirement for Oral Examination, on the 6th day of February
19 58, at the office of Harry J. Wilters Jr.

in Bay Minette, Alabama, and having first sworn said witnesses to speak the
truth, the whole truth, and nothing but the truth, the said Sarah Milstead and W. J. Nelson

doth depose and say as follows:

My name is Sarah Milstead and I am a resident of Baldwin County, Alabama, and the Respondent is a non-resident of the State and the last I knew of his whereabouts he was in Galveston, Texas. I have tried to find his address, but have been unable to do so. Both he and I are over twenty-one years old.

We were married in Lucedale, Mississippi on June 19, 1948, and lived together until August 17, 1957. On that date and on various occasions prior to that time he cursed, threatened and abused me and threatened to do actual violence to me which would have necessarily endangered my life and health, and that his conduct was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with him he would do actual violence to my person which would necessarily endanger my life and health.

There were three children born out of our marriage and they are Joel Clayton Milstead, 8 years old, David Allen Milstead, 7 years old and Rose Ann Milstead, age 5 years old. They are now in my care, custody and control and I am the suitable, fit and proper person to have their care, custody and control.

Sarah Milstead

My name is W. J. Nelson. I am the brother of Sarah Milstead and I know that she and Clayton Milstead have had trouble all their married life and that he drinks heavily and is very mean when he is drinking. Sarah has cared for the three children all of their lives and she is the fit and proper person to have the care, control and custody.

W. J. Nelson

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

Sarah Milstead _____ COMPLAINTANT

vs.

Clayton Milstead _____ RESPONDENT

I, Evelyn Watts

as ~~Register and~~ Commissioner _____

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witnesses named in the requirement for Oral Examination, on the 6th day of February
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Sarah Milstead

My name is W. J. Nelson. I am the brother of Sarah Milstead and I know that she and Clayton Milstead have had trouble all their married life and that he drinks heavily and is very mean when he is drinking. Sarah has cared for the three children all of their lives and she is the fit and proper person to have the care, control and custody.

W. J. Nelson

I, Evelyn Watts as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness^{es} and read over to them and they signed the same in the presence of myself and Harry J. Wilters Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness^{es} or had proof 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 6th day of February, 19 58

Evelyn Watts (L. S.)

4167

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

VS.

RESPONDENT

ORAL DEPOSITION

Filed _____ 19 _____

FILED
FEB 2 1958

Alice J. Dora
RECORDED IN _____
Register.

Record _____

Vol. _____ Page _____

Register _____