

4643

DIVORCE DECREE

MOORE PRINTING COMPANY - SAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

John Devine, a non compos mentis, by R. R. Devine, his legal guardian, Complainant

vs.

Ida Devine, 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 John Devine is forever divorced from the said Ida Devine for and on account of Voluntary 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 payment of the cost of this suit.

It is further ordered that John Devine, through his legal guardian, R. R. Devine the Complainant pay the cost herein to be taxed, for which executed may issue.

This 24th day of September 1959

Hubert M. Wall

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.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

No. 4648

Term, 19

John Devine, a non compos mentis, by R. R. Devine, his legal guardian, complainant

Vs.

Ida Devine

Defendant

Motion is hereby made for a Decree Pro Confesso against Ida Devine

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 24th day of September 19 59

FILED

746 Code SEP 24 1959

129

Phyllis S. Nesbit Solicitor.

ALICE J. DUCK, Register

No. 4648

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The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

John Devine, a non compos mentis by

H. R. Devine, his legal guardian

Complainant

Vs.

Ida Devine

Defendant

Motion for Decree Pro Confesso
on Publication

filed

FILED

19

SEP 24 1950

Register.

ALICE J. DUCK, Register

Recorded in Record

Vol. Page

Register.

JOHN DEVINE, a Non-Compos-Mentis,
by R. R. Devine, his legal guardian

COMPLAINANT

VS

ADA DEVINE

RESPONDENT

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. _____

Before me, the undersigned authority, personally appeared R. R. Devine, duly appointed legal guardian of John Devine, a Non-Compos-Mentis, who being first duly sworn, disposes and says that Ada Devine, the Respondent in above stated cause is a non-resident of the State of Alabama, and that her place of residence is unknown, and that it cannot be ascertained after reasonable effort, and further that in the belief of the said Affiant, the said non-resident is over the age of twenty-one years.

R. R. Devine Gdn
Affiant

Sworn to and subscribed before me this 11th day of July,
1959.

FILED
JUL 16 1959

Phillip S. West
Notary Public, State of Alabama at Large

ALICE J. DUCK, Register

The State of Alabama,
Baldwin County.

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CIRCUIT COURT, IN EQUITY

No. 4648

Term, 19

John Devine, a Non-Compos-Mentis, by R. R. Devine,
his legal guardian

Ida Devine

Complainant

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 23rd day of July, 19 59, in the Baldwin Times a newspaper published in Baldwin County, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the _____ day of _____, 19____, and

And it now further appearing to the Register Alice J. Duck, that the said Ida Devine, Defendant, being non-resident of Baldwin County, State of Alabama and that her whereabouts and Post Office address cannot be ascertained after diligent search and

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 Ida Devine

This 24 day of Sept 1959

FILED

SEP 24 1959

Alice J. Duck

Register.

ALICE J. DUCK, Register

No. 4648

Page

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

John Devine, a non-compos-mentis

by R. R. Devine, his legal guardian

Vs.

Ida Devine

Decree Pro Confesso of Publication

FILED

Issued 19

SEP 24 1959

ALICE J. DUCK, Register

Register.

Recorded in Record

Vol. Page

Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

JOHN DEVINE, a non-compos-mentis, by
R. R. Devine, his legal guardian COMPLAINANT

vs.

ADA DEVINE RESPONDENT

I, Grady P. Gilbert, Jr.

as ~~Register and~~ Commissioner

have called and caused to come before me R. R. Devine and Emma Devine

witnesses named in the requirement for Oral Examination, on the 23rd day of Sept.

19 59, at the office of Walters, Brantley and Nesbit

in Robertsdale, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said R. R. Devine and

Emma Devine doth depose and say as follows:

My name is R. R. Devine, I am a bona fide resident of Baldwin County, and over the age of 21 years. I am the brother and legally appointed guardian of the Complainant in this case. I know of my own knowledge that my brother John and Ada Devine were married in Bay Minette, Alabama on April 3, 1939. John and Ada Devine lived together as husband and wife, in Baldwin County, Alabama for about three months at which time Ada stated to John and myself that she was going to visit her mother in Florida and she left the State shortly thereafter. To the best of my knowledge Ada Devine has never returned to the State of Alabama nor has she written or communicated with my brother for the past twenty years. I am in a position to know his intimate affairs as I have been Johns legally appointed guardian since 1936. It is my belief that the estate of my brother can best be protected by his being granted a divorce from the Respondent whom he has not seen since 1939.

R. R. Devine Gdn.

My name is Emma Devine, I am a bona fide resident of Baldwin County, and over the age of 21 years. I am sister-in-law of John Devine, the Complainant in this case. I was not present when John and Ada Devine were married but I knew John at the time he married Ada although I never met his wife. I married Johns brother in September of 1939 and have known that Ada Devine has never returned to see her husband during the past twenty years.

Emma Devine

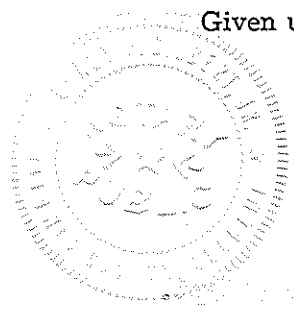
I, Grady P. Gilbert, Jr. as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness^{es} and read over to them and they signed the same in the presence of myself and Phyllis S. Nesbit at the time and place 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 23rd day of September, 19 59.

Grady P. Gilbert, Jr.

 (R. S.)



No. 4648 Page _____

THE STATE OF ALABAMA
 BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

John Devlino, a Non-Compos-Mentis

by R. R. Devlino, his legal guardian
 COMPLAINANT

vs.

Ida Devlino

RESPONDENT

ORAL DEPOSITION

Filed SEP 24 1959 19 _____

FILED

ALICE J. DUCK, Register
 RECORDED IN

Record

Vol. _____ Page _____

Register.

NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

John Devine, a Non-Compos-Mentis, by R. R.

Devine, his legal guardian

No. 4648

Complainant

vs.

Ada Devine

Respondant

The State of Alabama,

Baldwin County.

Circuit Court, in Equity

This the 16 day of

July, 1959

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

John Devine, a Non-Compos-Mentis, by R. R. Devine, his legal guardian

that the Defendant Ada Devine

is a non-resident of the State of Alabama and That his whereabouts and Post Office address cannot be ascertained

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 Ada Devine the said Defendant

to answer or demur to the Bill of Complaint in this cause by the 17 day of August 1959, or after thirty days therefrom a decree Pro Confesso may be taken against her

Wilters & Brantley
Solicitor for Complainant

[Signature]
Register.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: GRADY F. GILBERT, JR.

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 R. R. Devine and Emma Devine

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

John Devine

Complainant

and

Ada Devine

Respondent

on oath, to be by you administered, upon R. R. Devine and Emma Devine to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 21st day of September, 1959

Alice J. Suck
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 4648

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

John Devine, a Non-Compos-Mentis

by R. R. Devine, his legal
guardian

Complainant

VS.

Ida Devine

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Grady P. Gilbert, Jr.

WITNESSES:

R. R. Devine

Emma Devine

FILED

SEP. 24 1959

ALICE J. DUCK, Register

[Faint, mostly illegible text, likely bleed-through from the reverse side of the page.]

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons ADA DEVINE, 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 JOHN DEVINE, a non-compus-mentis, by R. R. DEVINE, his legal guardian, as Complainant and against ADA DEVINE, as Respondent.

Witness my hand this the 16 day of July, 1959.

Alice J. Lucke
Register

JOHN DEVINE, a Non-Compos-Mentis,
by R. R. DEVINE, his legal
guardian

COMPLAINANT

VS

ADA DEVINE

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 4648

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

Your Complainant, JOHN DEVINE, respectfully represents unto your Honor and this Honorable Court as follows:

1.

That your Complainant is over twenty-one years of age and a bona fide resident citizen of Baldwin County, Alabama and has been for one year next preceding the filing of the Bill of Complaint. That the Respondent is over twenty-one years of age and is a non-resident citizen of Baldwin County, Alabama.

2.

That your Complainant and the Respondent married at Bay Minette, Alabama, on April 3 1939, and lived together as husband and wife, until July, 1939.

3.

That JOHN DEVINE has been declared Non Compos Mentis by the Probate Court of Baldwin County, Alabama on, to-wit: August 17 1936; that R. R. DEVINE was duly and legally appointed his legal guardian and is still acting as such.

4.

That Respondent, more than one year next preceding the filing of this Bill of Complainant, did voluntarily abandon the bed and board of the Complainant, and said abandonment has been voluntary and continuous to the date hereof.

5.

That there were no children born to the marriage between your Complainant and the Respondent and there is no property to be divided.

WHEREFORE, the premises considered, the Complainant prays that your Honor will by proper process make the said ADA DEVINE, party Respondent to this cause of action, requiring her 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 Complaint prays that upon a hearing hereof, your Honor will enter an order and decree granting to him an absolute decree of divorce forever barring the bonds of matrimony existing between him and the Respondent; Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

FIL'D

JUL 16 1959

ALICE J. DUCK, Register

WILTERS AND BRANTLEY

BY:

Phyllis S. Nesbit
Solicitor for Complainant

Faint, illegible text at the top of the page, possibly bleed-through from the reverse side.

Second of 10 pages of a petition for appointment as guardian of the person and estate of JOHN DEVINE, a Non-Compos-Mentis, by R. R. Devine, his legal guardian.

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

JOHN DEVINE, a Non-Compos-Mentis
by R. R. Devine, his legal guardian
COMPLAINANT

VS

ADA DEVINE
RESPONDENT

FILED

JUL 16 1959

ALICE J. DUCK, Register

HARRY J. WILTERS, JR.
TOLBERT M. BRANTLEY
ASSOCIATE:
PHYLLIS S. NESBIT

LAW OFFICES OF
WILTERS & BRANTLEY
P. O. BOX 327
BAY MINETTE, ALABAMA
P. O. BOX 337
ROBERTSDALE, ALABAMA

PHONES
BAY MINETTE 5151
ROBERTSDALE WI 7-4682

July 14, 1959

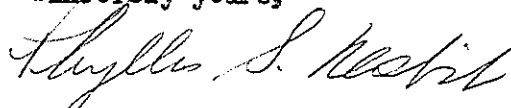
Mrs. Alice J. Duck
Register
Court house
Bay Minette, Alabama

Dear Mrs. Duck:

Inclosed you will find a petition for divorce accompanied
by the necessary affidavit of non-residence of defendant
and notice to non-resident.

Please process and file these for me.

Sincerely yours,



(Mrs) Phyllis S. Nesbit
Attorney at Law
Robertsdale, Alabama

PSN/mjd

Inclosures: as stated above.

John Devine, a non compos mentis,
by R. R. Devine, his legal guardian

vs.

Ida Devine

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 Confesso of Publication and testimony of guardian of complainant
and a witness

and in behalf of Defendant upon

Wilters, Brantley and Nesbit
by: Phyllis S. Nesbit

Allice J. Duck
Register.

No. 4648

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

~~John Devine, a non compos mentis~~
by R. R. Devine, his legal guardian

VS.

Ida Devine

4648

Note of Testimony

Filed in Open Court this **FILED**

SEP 24 1959

day of ALICE J. DUCK, Register

Register.

THE BALDWIN TIMES

JIMMY FAULKNER
PUBLISHER

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

E. R. Monissette, 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

Notice to Non-resident - John Devine

COST STATEMENT

194 WORDS @ 6 1/2 cents \$ 12 ⁴¹/₌

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

E. R. Monissette, Jr.
Editor.

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

Date of 1st publication July 23, 1959 Vol. 71 No. 28

Date of 2nd publication July 30, 1959 Vol. 71 No. 29

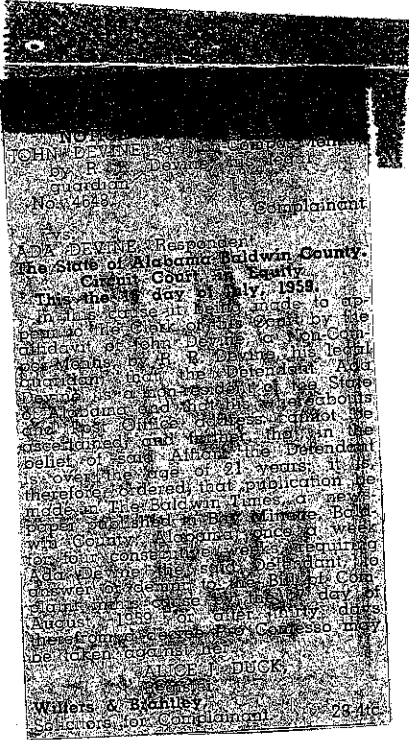
Date of 3rd publication August 6, 1959 Vol. 71 No. 30

Date of 4th publication August 13, 1959 Vol. 71 No. 31

Subscribed and sworn before the undersigned this 13 day of Aug, 1959

Dorothy Martin
Notary Public, Baldwin County.

E. R. Monissette, Jr.
Editor.



FILED

8-17-1939

ALICE A. DICK, CLERK
REGISTER

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