

3115

DIVORCE DECREE

PRINTED BY MOORE FIG. CO.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JOSEPH A. FOSTER, Complainant

vs.

RUBY VIOLA FOSTER, 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

JOSEPH A. FOSTER is forever divorced from the said RUBY VIOLA FOSTER 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 payment of the cost of this suit.

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

This 3rd day of July, 19 56

Hubert 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.

RECORDED

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED
JUL 3 1956
ALICE J. DUCK, Register

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

JOSEPH A. FOSTER

Complainant

VS.

RUBY VIOLA FOSTER

Respondent

I, ~~XXXXXXXXXXXX~~ JAMES R. OWEN

as ~~XXXXXXXXXX~~ Commissioner

have called and caused to come before me JOSEPH A. FOSTER

witness named in the Requirement for Oral Examination, on the 2nd day of July

19 56, at the office of Telfair J. Mashburn, Jr.

in Bay Minette, Alabama, and having first sworn said Witness to speak the

truth, the whole truth, and nothing but the truth, the said

doth depose and say as follows: "My name is Joseph A. Foster. I am the complainant in this cause and I am over the age of twenty-one years. I am a bona fide resident citizen of the State of Alabama, residing at Loxley, Baldwin County, Alabama. The respondent, RUBY VIOLA FOSTER, is over the age of twenty-one years and is a non-resident of the State of Alabama, and I do not know her present address, and although I have tried diligently to do so, I have been unable to ascertain her address. The respondent and I were married on or about the 15th day of June, 1915, at Redding, Shasta County, California. On or about the 15th day of August, 1915, I came home from work late in the afternoon and found that my wife had packed her things and had left her home, leaving no word as to why she was leaving or where she was going. From that day to this, I have had no word from her and she never returned to live with me as my wife. I do not know why she left as we had had no quarrel, and, so far as I knew, she had no reason for leaving. Her abandonment of me has continued from that day until this date. We had no children." Further Deponent says not.

Joseph A. Foster

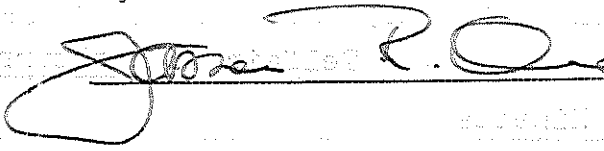
ORAL EXAMINATION

I, JAMES R. OWEN, as ~~Register and~~ ^{XXXXXXXX} Commissioner hereby certify that the foregoing deposition... on Oral Examination was taken down by me in writing in the words of the witness... and read over to him and he signed the same in the presence of myself

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness... or had proof made before me of the identity of said witness...; 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 2nd day of July, 1956

 (L. S.)

No. 3775 Page _____

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

JOSEPH A. FOSTER

vs. Complainant

RUBY VIOLA FOSTER

Respondent

Oral Deposition

Filed July 2, 1956

FILED


Alice J. Dwyer, Register

Recorded in

Record

Vol. _____ Page _____

Register

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

JOSEPH A. FOSTER

Complainant—

vs.

RUBY VIOLA FOSTER

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

FILED

WITNESSES: ^{III} 2 1956

ALICE J. DUCK, Register

JOSEPH A. FOSTER

vs.

RUBY VIOLA FOSTER

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, Affidavit for Service by Publication, Proof of Publication, Decree Pro Confesso on Publication, and testimony of Joseph A. Foster.

and in behalf of Defendant upon

Jeffery J. Maddox, Jr.

Alice J. Duck
Register.

No.

FILED

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this

FILED

day of

JUL 2 1934

ALICE J. DUCK, Register

Register.

Joseph A. Foster Complainant
vs.
Ruby Viola Foster Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No. 3775

DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from Bay
Minette, in the County of Baldwin
Alabama, the place of trial of said cause, to-wit: Joseph A. Foster

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.

Jeffery J. Mashburn Jr.
Solicitor for Complainant

NOTE:

Complainant suggests the name of James R. Owen
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Jeffery J. Mashburn Jr.
Solicitor for Complainant.

DEMAND FOR ORAL EXAMINATION

Complainant

vs.

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filed this _____ day of _____

FILED

JUL 2 1956

194-----

ALICE J. DUCK, Register

Register

Moore Printing Co.

NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

JOSEPH A. FOSTER,
Complainant
No.

vs.
RUBY VIOLA FOSTER,
Respondent

The State of Alabama,
BALDWIN County.
Circuit Court, in Equity
This the 23rd day of
April, 1956

In this cause it being made to appear to the Clerk of this Court by the affidavit of Telfair J. Mashburn, Jr., Solicitor for the Complainant,

that the Defendant, RUBY VIOLA FOSTER,

is a non-resident of the State of Alabama AND that her place of residence is unknown and cannot be ascertained after reasonable effort;

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 RUBY VIOLA FOSTER the said Respondent

to answer or demur to the Bill of Complaint in this cause by the 26th day of May 1956, or after thirty days therefrom a decree Pro Confesso may be taken against her

Telfair J. Mashburn, Jr.
Solicitor for Complainant

[Signature]
Register.

JIMMY FAULKNER
PUBLISHER

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

NOTICE TO NON-RESIDENT
JOSEPH A. FOSTER,
Complainant
vs.
RUBY VIOLA FOSTER,
Respondent
The State of Alabama, Baldwin County. Circuit Court in Equity. This the 23rd day of April, 1956
In this cause it being made to appear to the Clerk of this Court by the affidavit of Telfair J. Mashburn, Jr., Solicitor for the Complainant, that the Defendant, Ruby Viola Foster, is a non-resident of the State of Alabama and that her place of residence is unknown and cannot be ascertained after reasonable effort; 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 Ruby Viola Foster the said respondent to answer or demur to the Bill of Complaint in this cause by the 26th day of May, 1956, or after thirty days therefrom a decree Pro Confesso may be taken against her.
ALICE J. DUCK,
Register.
Telfair J. Mashburn, Jr.
Solicitor for Complainant.
15-4tc.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
BALDWIN COUNTY.

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

Joseph Foster vs. Ruby Foster

COST STATEMENT

203 WORDS @ 6 1/2 cents _____ \$ 13 19

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

E. R. Mounsett, Jr.
Editor Publisher.

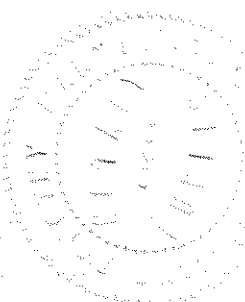
was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Apr. 26, 1956 Vol. 67 No. 15
Date of 2nd publication May 3, 1956 Vol. 67 No. 16
Date of 3rd publication May 10, 1956 Vol. 67 No. 17
Date of 4th publication May 17, 1956 Vol. 67 No. 18

Subscribed and sworn before the undersigned this 17 day of May, 1956.

Darsten Martin
Notary Public, Baldwin County.

E. R. Mounsett, Jr.
Editor Publisher.



THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 3775 _____, Term, 19____

JOSEPH A. FOSTER

Complainant

Vs.

RUBY VIOLA FOSTER

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 26th day of April, 1956, 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 _____ day of April 1956 and _____

And it now further appearing to the Register ALICE J. DUCK, that the said RUBY VIOLA FOSTER

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 RUBY VIOLA FOSTER

This 29th day of June 19 56

Alice J. Duck

Register.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Joseph A. Foster

Vs.

Ruby Viola Foster

Decree Pro Confesso of Publication

Issued _____ 19 _____

Register.

Recorded in _____ Record

Vol. _____ Page _____

FILED
AUG 20 1910
REGISTER

Moore Printing Co., Bay Minette, Ala.

DUCK, Register

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

JOSEPH A. FOSTER

Complainant

Vs.

RUBY VIOLA FOSTER

Defendant

Motion is hereby made for a Decree Pro Confesso against RUBY VIOLA FOSTER

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 29th day of June 19 56

746 Code

Julian J. Madbury

Solicitor.

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

JOSEPH A. FOSTER

Complainant _____

Vs.

RUBY VIOLA FOSTER

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed 29 June 19 56

Alice J. Duck
w Register.

Recorded in _____ Record

Vol. _____ Page _____

FILED

Register.

JOSEPH A. FOSTER,
Complainant,
VS.
RUBY VIOLA FOSTER,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. _____

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

Comes your complainant, JOSEPH A. FOSTER, and presents this his bill of complaint against the respondent, RUBY VIOLA FOSTER, and, thereupon complaining, respectfully represents and shows unto your Honor and this Honorable Court the following facts as a basis for the relief hereinafter prayed for:

1. That your complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bona fide resident of said State and County for more than one year next preceding the filing of this bill of complaint; that the respondent is over the age of twenty-one years and is a non-resident of the State of Alabama and her place of residence is unknown to, and, despite thorough investigation, cannot be ascertained by, the complainant;

2. That your complainant and the respondent were lawfully married on or about, to-wit: the 15th day of June, 1915; at Redding, Shasta County, California;

3. That on, to-wit: the 15th day of August, 1915, the complainant was abandoned by the respondent; that is to say, complainant avers that the respondent voluntarily abandoned the bed and board of complainant on, to-wit: the 15th day of August, 1915, and has not since that time returned to live with complainant as his wife; that said abandonment has been continuous for more than one year next preceding the filing of this bill of complaint.

4. That there were no children born to this marriage.

WHEREFORE, the premises considered, your complainant makes the said RUBY VIOLA FOSTER a party respondent to this bill of complaint and in order that he may have the relief hereinafter prayed for, may it please your Honor to cause service to be had on said respondent by publication as in such cases by law ^d made and provided, requiring

Sworn to and subscribed before me this the 23rd day of April, 1956.

J. Mashburn, Jr.

Further deponent says not. rect. the allegations of the foregoing bill of complaint are true and correct. the said respondent is over the age of twenty-one years; and that reasonable effort; and further, that in the belief of said affiant of resident is unknown and that it cannot be ascertained after cause, is a non-resident of the State of Alabama; that her place and belief, avers that RUBY VIOLA FOSTER, the respondent in this that he is informed and verily believes, and, on such information this cause, and that he is duly authorized to make this affidavit; that he is the Solicitor for JOSEPH A. FOSTER, the Complainant in above and foregoing cause, who, being duly sworn, deposes and says the Circuit Court of Baldwin County, Alabama, in Equity, Telfair J. Mashburn, Jr., Solicitor of Record for the complainant in the Personally appeared before me, ALICE J. DUCK, Register of

STATE OF ALABAMA, BALDWIN COUNTY. RUBY VIOLA FOSTER, JOSEPH A. FOSTER, ALICE J. DUCK, Register of Baldwin County, Alabama. In duty bound, he will ever pray, etc. equity and good conscience he may be entitled to receive, and, as prays for such other, further, different or general relief as in divorcing your complainant from the respondent, and your complainant this cause, your Honor will make and enter a decree forever Your complainant further prays that, on a final hearing of

PRAYER FOR RELIEF

the time and under the pains and penalties prescribed by law and the practise of this Honorable Court. her to plead, answer or demur to this bill of complaint within

1926, Mrs. ... and ...

Handwritten signature

... the ... of ... and ...

... the ... of ...

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY. No. 3776

JOSEPH A FOSTER,
Complainant,
VS.
RUBY VIOLA FOSTER,
Respondent.

BILL OF COMPLAINT AND AFFIDAVIT.

WRITEN FOR SERVICE

... the ... of ... and ...

JOSEPH A. FOSTER,
Complainant,
VS.
RUBY VIOLA FOSTER,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. _____

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

Comes your complainant, JOSEPH A. FOSTER, and presents this his bill of complaint against the respondent, RUBY VIOLA FOSTER, and, thereupon complaining, respectfully represents and shows unto your Honor and this Honorable Court the following facts as a basis for the relief hereinafter prayed for:

1. That your complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bona fide resident of said State and County for more than one year next preceding the filing of this bill of complaint; that the respondent is over the age of twenty-one years and is a non-resident of the State of Alabama and her place of residence is unknown to, and, despite thorough investigation, cannot be ascertained by, the complainant;

2. That your complainant and the respondent were lawfully married on or about, to-wit: the 15th day of June, 1915; at Redding, Shasta County, California;

3. That on, to-wit: the 15th day of August, 1915, the complainant was abandoned by the respondent; that is to say, complainant avers that the respondent voluntarily abandoned the bed and board of complainant on, to-wit: the 15th day of August, 1915, and has not since that time returned to live with complainant as his wife; that said abandonment has been continuous for more than one year next preceding the filing of this bill of complaint.

4. That there were no children born to this marriage.

WHEREFORE, the premises considered, your complainant makes the said RUBY VIOLA FOSTER a party respondent to this bill of complaint and in order that he may have the relief hereinafter prayed for, may it please your Honor to cause service to be had on said respondent by publication as in such cases by law ^dmade and provided, requiring

her to plead, answer or demur to this bill of complaint within the time and under the pains and penalties prescribed by law and the practise of this Honorable Court.

PRAYER FOR RELIEF

Your complainant further prays that, on a final hearing of this cause, your Honor will make and enter a decree forever divorcing your complainant from the respondent, and your complainant prays for such other, further, different or general relief as in equity and good conscience he may be entitled to receive, and, as in duty bound, he will ever pray, etc.

Telfair J. Mashburn, Jr.

STATE OF ALABAMA, 0
 0
BALDWIN COUNTY. 0

Personally appeared before me, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, in Equity, Telfair J. Mashburn, Jr., Solicitor of Record for the complainant in the above and foregoing cause, who, being duly sworn, deposes and says that he is the Solicitor for JOSEPH A. FOSTER, the Complainant in this cause, and that he is duly authorized to make this affidavit; that he is informed and verily believes, and, on such information and belief, avers that RUBY VIOLA FOSTER, the respondent in this cause, is a non-resident of the State of Alabama; that her place of resident is unknown and that it cannot be ascertained after reasonable effort; and further, that in the belief of said affiant the said respondent is over the age of twenty-one years; and that the allegations of the foregoing bill of complaint are true and correct. Further deponent says not.

Telfair J. Mashburn, Jr.

Sworn to and subscribed before me this the 23rd day of April, 1956.

REGISTER.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY. NO. 3775

JOSEPH A FOSTER,

Complainant,

VS.

RUBY VIOLA FOSTER,

Respondent.

BILL OF COMPLAINT AND AFFIDAVIT.