

3919

Decree Pro Confesso of Publication.

The State of Alabama,  
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. .... Term, 19 .....

LUCILE BROYLES ..... Complainant .....

JOHN WILLIAM BROYLES ..... 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 day of ....., 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 ..... 19....., and

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

JOHN WILLIAM BROYLES

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 John William Broyles

This // day of March 1957

Alice J. Duck Register.

No. \_\_\_\_\_

Page \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

**Circuit Court, In Equity**

Vs.

**Decree Pro Confesso of Publication**

Issued \_\_\_\_\_ 19 \_\_\_\_\_

Register.

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

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

Register.

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT, IN EQUITY

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

LUCILE BROYLES

Complainant

Vs.

JOHN WILLIAM BROYLES

Defendant

Motion is hereby made for a Decree Pro Confesso against \_\_\_\_\_

JOHN WILLIAM BROYLES

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 11 day of ~~November~~ March, 19 59.

746 Code

Solicitor.

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

**THE STATE OF ALABAMA  
BALDWIN COUNTY**

**CIRCUIT COURT, IN EQUITY**

LUCILE BROYLES

Complainant \_\_\_\_\_

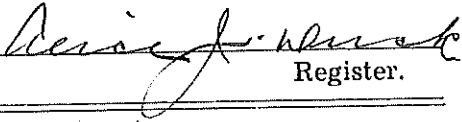
Vs.

JOHN WILLIAM BROYLES

Defendant \_\_\_\_\_

**Motion for Decree Pro Confesso  
On Publication**

Filed 3-11, 1937

  
Register.

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

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

Register.





statutes in such cases made and provided, requiring him to plead, answer or demur within the time, and in the manner provided by law; that upon a final hearing of this cause, that she be awarded the real estate in Montgomery County, Alabama, and that she be authorized and empowered to sell and convey the same, and that she be authorized and empowered to execute the deed or instrument of conveyance in the name of the said John William Broyles; and that she be authorized and empowered to use the sums received as consideration for the sale in and about her support and maintenance, and that there be granted to her such other, further, different, and general relief to which she may be entitled, and as in duty bound she will ever pray. Complainant further prays that the Register be directed to place a copy of the final decree rendered in this cause on record in the Probate Office of Montgomery County, Alabama, and that the cost of recording be taxed as cost in this matter.



Solicitor for Complainant

CECIL G. CHASON

ATTORNEY-AT-LAW  
FOLEY, ALABAMA

March 22, 1957

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

Dear Mrs. Duck:

I have received notification that the case of Lucile Broyles -vs- John William Broyles has been re-instated as of the 11th day of March, 1957, in accordance with my Motion.

At the time this Motion was mailed to you, I also sent a Motion for a Decree Pro Confesso, asking that it be held until the Judge had re-instated the case. Trusting that this Decree Pro Confesso has now been rendered, I am enclosing the following:-

Commission to take Deposition, issued to Frances G. Mallory

Oral Deposition of Lucile Broyles and Erdist C. Chavers

Note of Testimony

Please hold these in your file, and I will send to you a suggested Final Decree within a few days.

Yours very truly,

  
C. G. Chason

CGC:fm

encls. 3



CECIL G. CHASON

ATTORNEY-AT-LAW  
FOLEY, ALABAMA

March 5, 1957


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

Dear Mrs. Duck:

I am enclosing herewith a motion for reinstatement in the case of Lucile Broyles -vs- John William Broyles, along with a suggested Decree for the Judge.

I am also enclosing herewith a Motion for Decree Pro Confesso. Please hold the Decree Pro Confesso until the Judge has reinstated this case.

Yours very truly,



C. G. Chason

CGC:fm

encls. 4

STATE OF ALABAMA

BALDWIN COUNTY

Before me, FRANCES G. MALLOK a Notary Public in and for said County in said State, personally appeared Lucile Broyles, who is known to me, and who after being by me first duly and legally sworn, deposes and says that her name is Lucile Broyles, that she is over the age of twenty-one years, and a bona fide resident citizen of Baldwin County, Alabama, having been such a resident citizen for more than one year, that she is the Complainant in an action for separate maintenance filed in the Circuit Court of Baldwin County, Alabama wherein John William Broyles is the Respondent; that John William Broyles is over the age of twenty-one years and is not a resident of the State of Alabama, his address being unknown; that she has made diligent inquiries in an attempt to ascertain his address and finds that even his relatives do not know his whereabouts, although she was informed that he probably went to Michigan; that this affidavit is made for the purpose of obtaining an order from the Register in Chancery for notice by publication as provided by the laws and statutes of the State of Alabama.

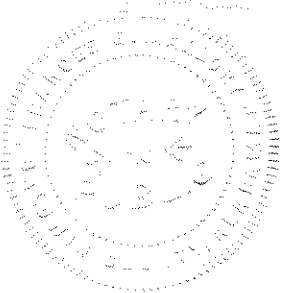
Lucile Broyles

Sworn to and subscribed before me

on this the 2nd day of July

1956.

Frances G. Malloy  
Notary Public, Baldwin County  
State of Alabama



LUCILE BROYLES

Complainant

vs

JOHN WILLIAM BROYLES

Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA, Sitting in Equity

Comes the Complainant, Lucile Broyles and respectfully  
shows unto this Honorable Court the following:

1. That she is over the age of twenty-one years, and a  
resident citizen of Baldwin County, Alabama, having been such  
a resident citizen for more than one year; that John William  
Broyles is over the age of twenty-one years and is not a resi-  
dent of the State of Alabama, his place of residence and post  
office address being unknown to the Complainant, although she  
has made diligent inquiry in an attempt to locate him.

2. That the Complainant and the Respondent were inter-  
married on the 5th day of August, 1948 and are still husband and  
wife, although on the 18th day of October, 1954, the Respondent  
voluntarily and with no cause, abandoned the bed and board of  
the Complainant in Bon Secour, Baldwin County, Alabama, leaving  
her destitute and with no means of support.

3. Complainant further shows unto the Court that she and  
the Respondent resided for a time in Montgomery County, Alabama,  
and that they purchased certain real estate which was purchased  
in the name of J. W. Broyles, and that Lots 8 and 9 of McDonald  
Subdivision according to a plat thereof of record in the office  
of the Judge of Probate of Montgomery County, in Plat Book 8,  
page 74, are still registered in the name of J. W. Broyles.

4. Complainant further shows unto the Court that she has  
incurred certain hospital and medical bills, and that she has  
no funds or means with which to live.

THE PREMISES CONSIDERED, Complainant prays that John William  
Broyles be made a party Respondent to this Bill of Complaint by  
service by publication as in the case of non-residents, and the

statutes in such cases made and provided, requiring him to plead, answer or demur within the time, and in the manner provided by law; that upon a final hearing of this cause, that she be awarded the real estate in Montgomery County, Alabama, and that she be authorized and empowered to sell and convey the same, and that she be authorized and empowered to execute the deed or instrument of conveyance in the name of the said John William Broyles; and that she be authorized and empowered to use the sums received as consideration for the sale in and about her support and maintenance, and that there be granted to her such other, further, different, and general relief to which she may be entitled, and as in duty bound she will ever pray. Complainant further prays that the Register be directed to place a copy of the final decree rendered in this cause on record in the Probate Office of Montgomery County, Alabama, and that the cost of recording be taxed as cost in this matter.

  
 Solicitor for Complainant

RECORDED  
 FEB 2 1920  
 MONTGOMERY COUNTY ALABAMA

\*\*\*\*\*

IN EQUITY

BALDWIN COUNTY, ALABAMA

IN THE CIRCUIT COURT OF

\*\*\*\*\*

Respondent

JOHN WILLIAM BROYLES

vs

Complainant

JOHN WILLIAM BROYLES

BILL OF COMPLAINT

3819

BILL OF COMPLAINT

LUCILE BROYLES

Complainant

vs

JOHN WILLIAM BROYLES

Respondent

\*\*\*\*\*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

\*\*\*\*\*

Collector for Combinations

FILED

JUL 8 1956

ANDREW DUCK, Register

costing be taxed as cost in this matter.

Office of Montgomery County, Alabama, and that the cost of re-  
the first decree rendered in this cause on record in the Probate  
Circuit Court that the petitioner be directed to place a copy of  
petition, and as in duty bound she will ever pray. Complaint  
petition, and as in duty bound she will ever pray. Complaint  
and maintenance, and that there be granted to her such other,  
received as consideration for the sale in and about her support  
Broyles; and that she be authorized and empowered to use the sums  
instrument or conveyance in the name of the said John William  
and that she be authorized and empowered to execute the deed or  
that she be authorized and empowered to sell and convey the same,  
be awarded the real estate in Montgomery County, Alabama, and  
alleged by her; that upon a first hearing of this cause, that she  
dies, answer or demurr within the time, and in the manner pro-  
provisions in such cases made and provided, requiring him to

( 5 )

CECIL G. CHASON

ATTORNEY AT LAW  
FOLEY, ALABAMA

July 2, 1956

Mrs. Alice J. Duck  
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Bill of Complaint, Affidavit of non-residence, and suggested publication notice, one copy of which is to be posted in the Court House, and one copy of which has been prepared for publication in the Baldwin Times.

Yours very truly,



C. G. Chason

CGC:dc

Encl 4

STATE OF ALABAMA

BALDWIN COUNTY

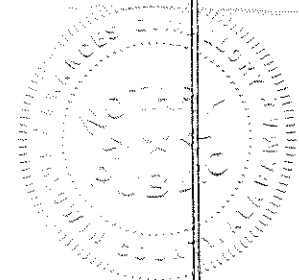
Before me, FRANCES G. MALLORY, a Notary Public in and for said County in said State, personally appeared Lucile Broyles, who is known to me, and who after being by me first duly and legally sworn, deposes and says that her name is Lucile Broyles, that she is over the age of twenty-one years, and a bona fide resident citizen of Baldwin County, Alabama, having been such a resident citizen for more than one year, that she is the Complainant in an action for separate maintenance filed in the Circuit Court of Baldwin County, Alabama wherein John William Broyles is the Respondent; that John William Broyles is over the age of twenty-one years and is not a resident of the State of Alabama, his address being unknown; that she has made diligent inquiries in an attempt to ascertain his address and finds that even his relatives do not know his whereabouts, although she was informed that he probably went to Michigan; that this affidavit is made for the purpose of obtaining an order from the Register in Chancery for notice by publication as provided by the laws and statutes of the State of Alabama.

Lucile Broyles

Sworn to and subscribed before me

on this the 2<sup>nd</sup> day of July  
1956.

Frances G. Mallory  
Notary Public, Baldwin County  
State of Alabama



# 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

LUCILLE BROYLES,  
Complainant  
vs.  
JOHN WILLIAM BROYLES,  
Respondent

In The Circuit Court of Baldwin  
County, Alabama, In Equity  
No. 3819

In this cause it being made to appear to the Register of this Court by the affidavit of Lucille Broyles that the Respondent, John William Broyles is a non-resident of the State of Alabama; that his post office address is unknown, and further that the Respondent is over the age of twenty-one years.

IT IS THEREFORE ORDERED that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Alabama, once a week for four consecutive weeks, requiring the said Respondent, John William Broyles, to answer or demur to the Bill of Complaint in this cause by the 14th day of August, 1956, or that after thirty days thereafter, a Decree Pro Confesso may be taken against him.

### 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

Lucille vs. John William  
Broyles

#### COST STATEMENT

149 WORDS @ 6 1/2 cents ..... \$ 9 69  
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 July 5, 1954 Vol. 67 No. 25  
Date of 2nd publication July 12, 1954 Vol. 67 No. 26  
Date of 3rd publication July 19, 1954 Vol. 67 No. 27  
Date of 4th publication July 26, 1956 Vol. 67 No. 28

Subscribed and sworn before the undersigned this 26 day of July, 1956.

Dorothy Martin  
Notary Public, Baldwin County.

E. R. Morrisette, Jr.  
Editor.





LUCILE BROYLES

Complainant

vs

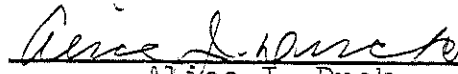
JOHN WILLIAM BROYLES

Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

In this cause it being made to appear to the Register of this Court by the affidavit of Lucile Broyles that the Respondent, John William Broyles is a non-resident of the State of Alabama; that his post office address is unknown, and further that the Respondent is over the age of twenty-one years,

IT IS THEREFORE ORDERED that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Alabama, once a week for four consecutive weeks, requiring the said Respondent, John William Broyles, to answer or demur to the Bill of Complaint in this cause by the 14th day of August, 1956, or that after thirty days thereafter, a Decree Pro Confesso may be taken against him.

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

C. G. Chason  
Solicitor for Complainant



LUCILE BROYLES

vs.

JOHN WILLIAM BROYLES

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, \_\_\_\_\_  
Testimony of Lucile Broyles and Erdist C. Chavers, Motion for  
Decree Pro Confesso on Publication, Decree Pro Confesso on Publication,

and in behalf of Defendant upon \_\_\_\_\_

*E. J. Chavers*  
Soleitor for Complainant

*Ernie J. Hensch*  
Register.

No. ....

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

LUCILE BROYLES

vs.

JOHN WILLIAM BROYLES

**NOTE OF TESTIMONY**

Filed in Open Court this .....  
day of ..... , 194

MAR 28 1957

Register.

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: FRANCES G. MALLORY

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 Lucile Broyles and Erdist C. Chavers

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

Lucile Broyles

Complainant

and John William Broyles

Respondent

on oath, to be by you administered, upon them  
to take and certify the deposition S of the witness e and return the same to our Court, with all  
convenient speed, under your hand.

Witness 22 day of March, 1958

Register.

Commissioner's Fee, \$ 5.00

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

No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
Baldwin County

**CIRCUIT COURT**

LUCILE BROYLES

Complainant—

vs.

JOHN WILLIAM BROYLES

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

FILED  
AUG 28 1957  
AUGUST L. DUCK, Clerk

WITNESSES:

LUCILE BROYLES,  
Complainant,  
-vs-  
JOHN WILLIAM BROYLES,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Comes the Complainant in the above styled cause and moves the Court to reinstate her suit, which was dismissed on the 19th day of February, 1957, and as grounds therefor, shows unto the Court that she has a meritorius suit.

  
\_\_\_\_\_  
Attorney for Complainant

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

LUCILE BROYLES

Complainant

VS.

JOHN WILLIAM BROYLES

Respondent

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me ~~xxxxxx~~ Lucile Broyles and Erdist C. Chavers

witness es named in the Requirement for Oral Examination, on the \_\_\_\_\_ day of \_\_\_\_\_ 1956, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said Witness es to speak the truth, the whole truth, and nothing but the truth, the said Lucile Broyles and Erdist C. Chavers doth depose and say as follows:

Testimony of Lucile Broyles:

My name is Lucile Broyles. I am over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, having been such a resident citizen for more than one year. John William Broyles is over the age of twenty-one years and is not a resident of the State of Alabama, and his residence and Post Office address is unknown to me, and I have been unable to locate him, though I have made diligent inquiry. We were married on August 5, 1948, and on October 18, 1954, while I was sick and in the hospital, he voluntarily and with no cause abandoned by bed and board in Bon Secour, Baldwin County, Alabama, leaving me destitute and with no means of support. For a time during our marriage we resided in Montgomery County, Alabama, and purchased certain real estate which was bought in the name of J. W. Broyles, by Deed dated April 10, 1952, which is of record in the office of the Judge of Probate of Montgomery County, Alabama, in Deed Book 364, Page 149. One of the lots which we purchased at that time, being Lot 10, has been sold and conveyed to William C. McCandless and we have given them an option to purchase, the two remaining lots, being Lots 8 and 9 of McDonald's Subdivision, according to a plat thereof of record in the office of the Judge of Probate of Montgomery County, in Plat Book 8, Page 74. These three lots, of which one has been sold, were purchased with money coming from the sale of a house and lot in Foley, Baldwin County, Alabama, which belonged to me prior to my marriage to John William Broyles. I have incurred considerable hospital and medical bills and am physically unable to obtain employment sufficient for my support and maintenance, and unless I am granted authority to sell and convey this real estate am in danger of becoming dependant upon the State for support.

Lucile Broyles

Testimony of Erdist C. Chavers:

My name is Erdist C. Chavers. I am personally acquainted with Lucile Broyles and John William Broyles. They were married in August of 1948, and in October of 1954, while she was sick and confined in a hospital he abandoned her and has not contributed to her support since that time. I do not know his location, having heard nothing from him since he left in 1954. Lucile Broyles has had no support from him, and is in my ~~xxxxxx~~ opinion, in destitute and necessitous circumstances. She is still unable to support herself and is badly in need of funds.

Erdist C Chavers



3919

**ORAL EXAMINATION.**

I, Frances G. Mallory, 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 C. G. Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proom made before me of the identity of said witnesses; that I am not of counsel or 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 \_\_\_\_\_ day of November, 1956

Frances G. Mallory (S.)

NO. 3819 PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

LUCILLE BROYLES

vs. Complainant

JOHN WILLIAM BROYLES

Respondent.

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**Oral Deposition**

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Filed **FILED** \_\_\_\_\_, 1956  
Register.

MAR 28 1957  
Recorded in 1. 0114, 0114  
Record

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