

(4549)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EMMA BUTLER, Complainant

vs.

BEN BUTLER, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Answer & Waiver, Note of Evidence 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

EMMA BUTLER

is forever divorced from the

said BEN BUTLER

for and on account of

Voluntary Abandonment

It is futher 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 futher ordered that EMMA BUTLER

the Complainant pay the cost herein to be taxed, for which executed may issue.

This 23 day of April 1959

Hubert M. Free

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

EMMA BUTLER

Complainant

vs.

BEN BUTLER

Respondent

DIVORCE DECREE

E. G. RICKARBY,
Attorney for
Complainant.

EMMA BUTLER,
COMPLAINANT,

-VS-

BEN BUTLER,
RESPONDENT.

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

TESTIMONY OF EMMA BUTLER, COMPLAINANT:

EMMA BUTLER, being first duly sworn, deposes and says, as follows, to-wit:

My name is EMMA BUTLER, and I am bringing this suit for divorce against my husband, BEN BUTLER. We are both over the age of twenty-one and I have been living here in Baldwin County, Alabama, and I still am. I have been living in Baldwin County, Alabama since 1908, when we were married.

I was a good wife to him and gave him no legal excuse for leaving me. He left me and has been gone since 1933, and I have not seen him since that date.

All of our children are over the age of Twenty-one years of age, and I am asking for this divorce from my husband.

Emma Butler
EMMA BUTLER

Subscribed and sworn to before me this the 20th day of

April 1959

Lillian S. Stephens
COMMISSIONER

FILED

APR 23 1959

ALICE J. DICK, CLERK
REGISTER

EMMA BUTLER,
Complainant,

-VS-

BEN BUTLER
RESPONDENT.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TESTIMONY OF ALBERT JOHNSON, WITNESS ON BEHALF OF COMPLAINANT

ALBERT JOHNSON, being first duly sworn, deposes and says, as follows, to-wit:

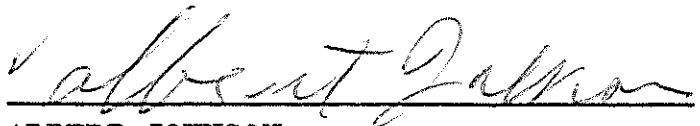
My name is ALBERT JOHNSON, and I live in Fairhope, Baldwin County, Alabama. I have known EMMA BUTLER and her husband BEN BUTLER for a long time. They have been living here in Baldwin County, up until the time he left her, and she has been living here ever since.

They were living here in Baldwin County, down by the old Twin Beach Church when he left her and I don't know where he is living now. I think he has left the State of Alabama. They were married, and when he was here I use to board at their house, and worked with Ben Butler.

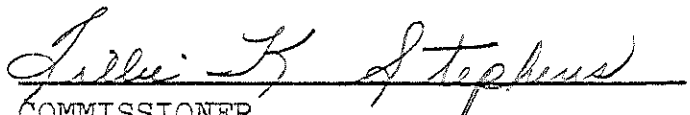
He left her, I don't remember the exact date, but it was before World War Two, and when we were having hard times, and after he left her they separated and he has not been back around here since that time.

She was a good wife to him and gave him no reason to leave her. When he left her he went off with a young girl.

All the children to this marriage are over the age of twenty-one years of age.


ALBERT JOHNSON

Subscribed and sworn to before me this the 20th day of April
1959.


COMMISSIONER

1959

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FILED

APR 23 1959

ALICE J. DUCK, CLERK REGISTER

EMMA BUTLER,

Complainant,

-VS-

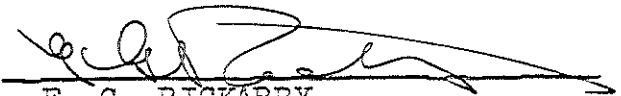
BEN BUTLER,

Respondent.

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

NOTE OF EVIDENCE

This cause is submitted for final decree on Complainant's bill, answer and waiver filed by Respondent, and depositions of Complainant and ALBERT JOHNSON.


E. G. RICKARBY,
Solicitor for Complainant.

*Witnessed
August 1st*

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Note of testimony

FILED
APR 29 1959
ALICE J. DORR, CLERK
REGISTRAR

EMMA BUTLER,	Y°	IN THE CIRCUIT COURT OF
Complainant,	I	BALDWIN COUNTY, ALABAMA,
-VS-	I	IN EQUITY.
BEN BUTLER,	I	
Respondent.	I	

I, TILLIE K. STEPHENS, as commissioner in the above mentioned cause now pending in the Equity side of the Circuit Court of Baldwin County, Alabama, hereby certify that I have caused the witnesses in this cause, namely, EMMA BUTLER and ALBERT JOHNSON, to appear before me at my office in the old Bank Building in the City of Fairhope, Baldwin County, Alabama, where said witnesses, after being first duly sworn by me, upon examination of E. G. Rickarby, Esquire, Solicitor for the Complainant, did testify as shown by the attached testimony, and that their testimonies were by me reduced to writing as given by them as near as might be in their identical language, and after being so reduced to writing, were read over by said witnesses who assented to, and signed the same in my presence.

I further certify that I am not of counsel or kin to either of the parties to the cause, nor in anywise interested in the results thereof.

IN WITNESS, I hereunto set my hand as commissioner on this the 20th day of April, 1959.

Tillie K. Stephens

Faint, illegible text at the top of the page, possibly a header or title.

THE STATE OF CALIFORNIA
COUNTY OF ALBANY

I, the undersigned, Clerk of the County of Albany, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the files of the County Clerk.

Witness my hand and the seal of the County of Albany, California, this 23rd day of April, 1959.

FILED
APR 23 1959
ALICE J. DUCK, CLERK REGISTER

Notary Public for the County of Albany, California.

My commission expires on the 23rd day of April, 1960.

Notary Public for the County of Albany, California.

My commission expires on the 23rd day of April, 1960.

Notary Public for the County of Albany, California.

My commission expires on the 23rd day of April, 1960.

[Handwritten signature]

LAW OFFICES
E. G. RICKARBY
BANK BUILDING
FAIRHOPE, ALABAMA

April 14, 1959

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Butler vs. Butler
Our File: 4700

Enclosed find Bill of Divorce, Affidavit of Non-Residence and check in the sum of \$25.00. (I believe there is more costs due, but I do not know how much).

Please issue process and see if we can get service by registered mail.

Yours very truly,



EGR/ts
Encl.

*Please send me some equity,
Suspect - TR.*

LAW OFFICES
E. G. RICKARBY
BANK BUILDING
FAIRHOPE, ALABAMA

April 21, 1959

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Butler vs. Butler
Our File: 4700

With this we are handing you testimonies taken in the above mentioned cause, Note of Evidence and three copies of the Divorce Decree.

Please process and if there are any additional costs due in this matter, let us know and we will submit check to cover same.

Yours very truly,



ts
encl.

EMMA BUTLER,		IN THE CIRCUIT COURT OF
Complainant,		BALDWIN COUNTY, ALABAMA,
-VS-		IN EQUITY.
BEN BUTLER,		
Respondent.		

BILL OF COMPLAINT

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

Comes EMMA BUTLER, and by this her Bill of Complaint presented against BEN BUTLER, respectfully shows:

FIRST: That the Complainant and Respondent are both over the age of twenty-one years, and that the Complainant is now, and has been for over three years next preceding the filing of this Bill of Complaint, bona fide resident of Fairhope, Baldwin County, Alabama, and that the Respondent, BEN BUTLER, resides at 25 New Burn Avenue, Wilmington, North Carolina.

SECOND: Complainant and Respondent were married on or about 1908 in Mobile, Alabama, and lived together as husband and wife until 1933, when Respondent voluntarily abandoned the Complainant as hereinafter alleged.

THIRD: That on, or about 1933, the Respondent without just cause or legal excuse voluntarily abandoned the Complainant's bed and board, and that said abandonment has been continuous and the parties have not lived together as husband and wife from that date.

FOURTH: There are no children born to this marriage who are now under the age of twenty-one years.

THE PREMISES CONSIDERED, Complainant prays that BEN BUTLER be made party defendant to this cause, and by proper process required to plead, answer or demur within the time prescribed by law, and the Complainant further prays that on a hearing of this cause, a decree of divorce from the bonds of matrimony be rendered forever divorcing her from the said BEN BUTLER, and to have such other different and further relief as to equity may seem meet.

FILED

APR 15 1959

ALICE J. DUCK, CLERK
REGISTER



E. G. RICKARBY, Solicitor for Complainant.

EMMA BUTLER,
Complainant,

-VS-

BEN BUTLER,
Respondent.

-BILL OF COMPLAINT-

FILED

APR 15 1959

ALICE J. DUCK, Register

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

EMMA BUTLER,
Complainant,

-VS-

BEN BUTLER,
Respondent.

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

AFFIDAVIT OF NONRESIDENCE

Before me, the undersigned notary public, personally appeared EMMA BUTLER, who being first duly sworn, deposes and says that BEN BUTLER, the Respondent in the above styled cause is a nonresident of the State of Alabama, and that his residence and postoffice address is, 25 New Burn Avenue, Wilmington, North Carolina; and further, that in the belief of said affiant, the Respondent is over the age of twenty-one years.

Emma Butler
AFFIANT

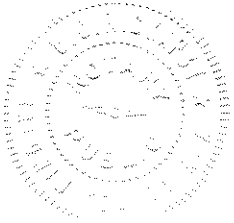
Subscribed and sworn to before me this the 21 day of April
1959.

FILED

APR 15 1959

ALICE J. DUCK, CLERK
REGISTER

[Signature]
Notary Public, Baldwin County,
Alabama



4549

affidavit

I, the undersigned, being a duly qualified and authorized officer of the State of Mississippi, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the State of Mississippi:

That on this 15th day of April, 1959, I have read the foregoing and find that the same is a true and correct copy of the original as the same appears in the records of the State of Mississippi.

WITNESSED my hand and the seal of the State of Mississippi at Jackson, Mississippi, this 15th day of April, 1959.

FILED
APR 15 1959
ALICE J. DUCK, Register



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MISSISSIPPI REGISTER
 JACKSON, MISSISSIPPI

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

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Circuit Court, Baldwin County

No. 4549

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Ben Butler,

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Ben Butler, Defendant

by x Emma Butler, Plaintiff

Witness my hand this 15 day of April 1959

Alice J. Duck, Clerk

No. 4549 Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

EMMA BUTLER

Plaintiffs

vs.

BEN BUTLER

Defendants

Summons and Complaint

Filed April 15, 19 59

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19

, Sheriff

I have executed this summons

this 19

by leaving a copy with

Sheriff

Deputy Sheriff

EMMA BUTLER,	I	IN THE CIRCUIT COURT OF
COMPLAINANT,	I	BALDWIN COUNTY, ALABAMA,
-VS-	I	IN EQUITY.
BEN BUTLER,	I	
RESPONDENT.	I	

ANSWER AND WAIVER

Comes BEN BUTLER, Respondent in the above styled cause, and for answer to the Bill of Complaint says he denies each allegation of same and demands strict proof thereof.

Respondent hereby submits himself to the jurisdiction of this Honorable Court and waives notice of the time and place for taking testimony in said cause, waives the issuance of a formal commissioner to take testimony in said cause and consents that testimony may be taken without further notice to him and further waives notice of the time and place of submission of said cause and consents that said cause may be submitted for final decree at any time or place without further notice to him of such submission.

Ben Butler

 BEN BUTLER, Respondent.

STATE OF NORTH CAROLINA,
 COUNTY OF New Hanover
 I, J. D. Futch, a notary public, in and for said County in said State, hereby certify that BEN BUTLER, whose name is signed to the foregoing instrument and who is known to me to be the respondent above named, acknowledged before me on this day that he executed the same voluntarily with knowledge of its contents.

Witness my hand and official seal this the 14 day of April, 1959.

Commission Expires
1-27-61

J. D. Futch

 Notary Public

FILED

APR 18 1959

203

ALICE J. DUCK, CLERK REGISTER

4549

INSTRUCTIONS TO DELIVERING EMPLOYEE

- DELIVER ONLY TO ADDRESSEE (20¢ additional)
- SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

RECEIPT

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. SIGNATURE OR NAME OF ADDRESSEE X <i>Ben B... ..</i>	FILED APR 21 CLERK REGISTER
2. SIGNATURE OF ADDRESSEE'S AGENT (Agent should enter addressee's name in item 1 above)	
3. DELIVERY DATE APR 22 1959 . 19	
4.	

epc 3-71548-3

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300

WILMINGTON
AP 22 5:30PM
POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS.—Show name, address and number of article below. Complete "Instructions to Delivering Employee" on other side, when applicable. Moisten gummed ends and securely attach to back of article. Endorse front of article RETURN RECEIPT REQUESTED.

RETURN TO

POD Form 3811, Dec. 1955

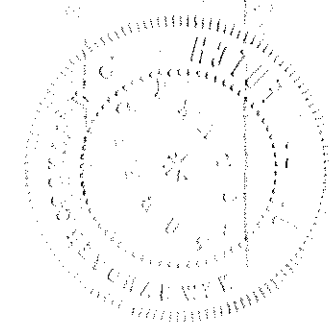
REGISTERED NO.	NAME OF SENDER
CERTIFIED NO. 762194	Street J. ...
INSURED NO.	STREET AND NO. OR P. O. BOX Box 239
	CITY, ZONE, AND STATE Bay Minette, Ala.

316-71548-3

Butler 4549

Answer to Warden

FILED
APR 18 1959
ALICE J. DUCK, CLERK
REGISTER



LAW OFFICES
E. G. RICKARBY
BANK BUILDING
FAIRHOPE, ALABAMA

April 17, 1959

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Butler vs. Butler
Our File: 4700

Enclosed find Answer and Waiver in the case of
Butler vs. Butler.

Yours very truly,



EGR/ts
Encl.

4549

FILED
APR 18 1908
ALICE J. DUCK, CLERK
REGISTER