8600 - Motion for Decree Pro Confesso After Service by Registered Mail.

The State of Alabama,
Baldwin County.

No. 4414 CIRCUIT COURT, IN EQUITY.

JESSE WALLACE Complainant

Vs.

ELIZABETH ANN WALLACE Defendant

Motion is hereby made for a Decree Pro Confesso against Elizabeth Ann Wallace Defendant in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant....., and that said summons was duly served by Registered Mail, according to law, and that said Defendant.....has..... failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 23rd day of February, 1959.

41

[illegible], Solicitor.

No. ..... Page .....

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT, IN EQUITY

JESSE WALLACE

Vs.

ELIZABETH ANN WALLACE

MOTION FOR DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL

Filed FILED, 19.....

FEB 2 1959

ALICE J. BOOK, CLERK

Register.

Recorded in ..... Record,

Vol. ..... Page .....

Register.

The Baldwin Times, Bay Minette, Alabama

8602 DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL B.T.-10-46-200

JESSE WALLACE

Vs.

ELIZABETH ANN WALLACE

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 25th day of November, 1958, a copy of the Bill of Complaint filed in this cause was sent to Elizabeth Ann Wallace

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 6th day of December, 1958, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said Elizabeth Ann Wallace

Defendant

This the 23rd day of February, 1959

Register.

No. _____

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

In Equity.

JESSE WALLACE

Vs.

ELIZABETH ANN WALLACE

DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL

FILED

Filed in office this _____ day of

FEB 23 1959

_____, 194____

ALICE J. DUCK, CLERK ~~REGISTER~~, Register

Entered in O. B. _____ Page _____

The Baldwin Times, Bay Minette, Ala.

ORAL DEPOSITION

THE STATE OF ALABAMA BALDWIN COUNTY	Circuit Court of Baldwin County, Alabama (In Equity)

JESSE WALLACE, COMPLAINANT

vs.

ELIZABETH ANN WALLACE RESPONDENT

I, Blanche White

as ~~Register and~~ Commissioner

have called and caused to come before me Jesse Wallace, the

witness named in the requirement for Oral Examination, on the 24th day of February

19 59 , at the office of Chason & Stone

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

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

doth depose and say as follows:

My name is Jesse Wallace and I am 63 years old and am a resident citizen of Fairhope, Baldwin County, Alabama. That I have been a resident of Baldwin County and the State of Alabama for more than two years prior to October 27, 1958. I am the husband of Elizabeth Ann Wallace who is a resident citizen of the State of New York residing in New York City. I was married to the said Elizabeth Ann Wallace on February 10, 1954 in New York City, New York and we lived together as man and wife until March 26, 1955, when she voluntarily abandoned me and we have not lived together as man and wife since that time. We own no joint property and no children were born to us as a result of this marriage.

Jesse Wallace

WITNESSES:

Blanche White

ORAL EXAMINATION

I, Blanche White as ~~Reporter and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to him and he signed the same in the presence of myself and Norborne C. Stone, Jr.

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 24th day of February, 19 59.

Blanche White (L. S.)

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

JESSE WALLACE
COMPLAINANT

vs.

ELIZABETH ANN WALLACE
RESPONDENT

ORAL DEPOSITION

Filed 2-24, 19 59

Alice Richards, Register.

RECORDED IN Record

Vol. Page

, Register.

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO: ELIZABETH ANN WALLACE, 1772 2nd AVENUE, NEW YORK CITY, NEW YORK.

You are hereby notified that a complaint has been filed against you in the Circuit Court of Baldwin County, Alabama, In Equity, by Jesse Wallace and you are required to appear and plead, answer or demur within thirty days from the receipt of this Summons and copy of the Bill of Complaint or a decree Pro Confesso will be rendered against you.

Witness my hand this the 27 day of Oct., 1958.

Alice J. Mack
Register

JESSE WALLACE,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
ELIZABETH ANN WALLACE,	X	
Respondent.	X	IN EQUITY
	X	

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

Comes the Complainant in the above styled cause, by his Solicitors, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, residing in Fairhope, Alabama, and that he has resided in Fairhope and been a resident citizen of the State of Alabama, for more than two years next preceding the filing of this Bill of Complaint. That the Respondent Elizabeth Ann Wallace is a non-resident of the State of Alabama, residing in the State of New York and her particular address is 1772 2nd Avenue, New York City, New York.

SECOND:

The Complainant and the Respondent were married on February 10, 1954, in New York City, New York, and they lived together as man and wife until March 26, 1955, when the Respondent voluntarily abandoned the Complainant. They have not lived together as man and wife since said last mentioned date.

THIRD:

That the Complainant and the Respondent own no joint property and there were no children born to the Complainant and the Respondent as a result of this marriage.

FOURTH:

That there is attached hereto an affidavit of Norborne C.

Stone, Jr., one of the Solicitors for the Complainant relative to the residence of the Respondent and her last known address.

PRAYER FOR PROCESS:

The premises considered the Complainant prays that service of process upon the Respondent be had under the provisions of Equity Rule 5, 2(b) by the Register of this Honorable Court by mailing to her by registered mail, postage prepaid, a copy of this Bill of Complaint, together with a summons to answer the same within thirty days from the receipt thereof, the envelope containing the Bill of Complaint and the Summons to be marked "for delivery only to the person to whom addressed" and a return receipt demanded addressed to the Register of this Honorable Court.

PRAYER FOR RELIEF:

The premises considered the Complainant respectfully prays that upon a final hearing of this cause that this Honorable Court will enter an order or decree forever divorcing your Complainant from the Respondent for and on account of voluntary abandonment and will, in and by the terms of said decree, permit either the Complainant or the Respondent to remarry after the termination of the statutory period.

Respectfully submitted,

CHASON & STONE

By: _____

Solicitors for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, James A. Hendrix, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is one of the Solicitors of record for the Complainant in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, wherein Jesse Wallace is the complainant and Elizabeth Ann Wallace is the respondent and that he is informed and believes and upon such information and belief alleges that the Respondent Elizabeth Ann Wallace is a non-resident of the State of Alabama, residing at 1772 2nd Avenue, New York City, New York.

Norborne C. Stone, Jr.

Norborne C. Stone, Jr.

Sworn to and subscribed before me on this the 23rd day of September, 1958.

James A. Hendrix

Notary Public, Baldwin County, Alabama

COMMISSION TO TAKE DEPOSITIONS B.T.-2-49-200

THE STATE OF ALABAMA
Baldwin County } **Circuit Court**

TO: Blanche White
Bay Minette, Alabama

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 Jesse Wallace

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Jesse Wallace is the

, Complainant

and Elizabeth Ann Wallace is the

Respondent

on oath, to be by you administered, upon Jesse Wallace

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 24 day of February, 1959.

Register.

Commissioner's Fee, $

Witness' Fees, $

No._____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

JESSE WALLACE

Complainant

VS.

ELIZABETH ANN WALLACE

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

The State of Alabama,
Baldwin County

JESSE WALLACE

Complainant

vs.

ELIZABETH ANN WALLACE

Defendant

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

In Equity.

The Complainant requests the oral examination of the following named witnesses, on behalf of the Complainant viz:

Jesse Wallace

said witnesses reside in the County of Baldwin State of Alabama.

Blanche White who resides at Bay Minette, Alabama or, The Register of this Court is suggested as a suitable person to be appointed Commissioner to take the deposition of said witness on such oral examination.

Solicitor for Complainant

4414

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

JESSE WALLACE

Complainant

vs.

ELIZABETH ANN WALLACE

Defendant

DEMAND FOR ORAL EXAMINATION

FILED

Filed FEB 24 1988 192

MRS. DICK, CLERK REGISTER

Register.

Moore Printing Co. :::: Bay Minette, Ala.