

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EUGENE HIGGINS

Complainant

vs.

LULA HIGGINS

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on 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 EUGENE HIGGINS is forever divorced from the said LULA HIGGINS 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 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 EUGENE HIGGINS the Complainant pay the cost herein to be taxed, for which executed may issue.

This 5th day of May 1960.

Judge Circuit Court, In Equity

I, ALICE J. DUCK, 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 APRIL 60 of 19

Register of Circuit Court, In Equity.

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

EUGENE HIGGINS

Complainant

vs.

LULA HIGGINS

Respondent

DIVORCE DECREE

FILED

MAY 5 1900

ALICE J. DUCK, CLERK
REGISTER

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher
E. R. MORRISSETTE, Jr., Editor-Manager

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

Eugene Higgins vs. Lula Higgins

COST STATEMENT

180 WORDS @ 6 1/2 cents 11 ⁷⁰ =
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 Dec. 17, 1959 Vol. 71 No. 49

Date of 2nd publication Dec. 24, 1959 Vol. 71 No. 50

Date of 3rd publication Dec. 31, 1959 Vol. 71 No. 51

Date of 4th publication Jan. 7, 1960 Vol. 71 No. 52

Subscribed and sworn before the undersigned this 7 day of Jan, 1960

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

FILED

JAN 18 1960

ALICE J. DUCK, CLERK
REGISTER

EUGENE HIGGINS

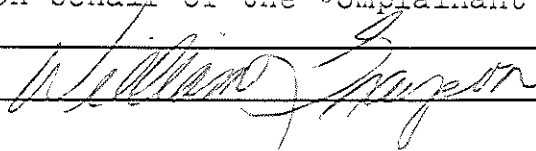
vs.

LULA HIGGINS

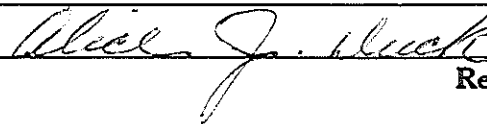
THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, Non-Residency for Publication, Non-Military Affidavit, Demand for Oral Examination, Decree Pro Confesso, Testimony of Eugene Higgins and Mary Ruth Broadus, witness on behalf of the Complainant in this cause.



and in behalf of Defendant upon



Register.

m

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

EUGENE HIGGINS

VS.

LULA HIGGINS

Note of Testimony

Filed in Open Court this

day of **FILED**, 19
MAY 2 1960

ALICE J. DUCK, Register Register.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: PEGGY PRESTON

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 Eugene Higgins and Mary Ruth Broadus

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein EUGENE HIGGINS IS THE Complainant,

and LULA HIGGINS, Complainant

Respondent

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

Witness _____ day of April, ~~194~~ 1960.

Alice J. Clark
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

EUGENE HIGGINS

Complainant

VS.

LULA HIGGINS

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

PEGGY PRESTON

WITNESSES:

EUGENE HIGGINS

MARY RUTH BROADUS

CERTIFICATE

I, PEGGY PRESTON, the Commissioner appointed by the Court and named in the attached commission, ~~for named by agreement of the parties~~, in that certain cause now pending in BALDWIN the Honorable Circuit Court of ~~Mobile~~ Mobile County, Alabama, Sitting in Equity, No. _____, wherein

EUGENE HIGGINS is Complainant, and LULA HIGGINS

is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused EUGENE HIGGINS, and MARY RUTH BROADUS

are who were made known to me, to come before me at 3:00 o'clock P.M., on April 29 19 60, at 56 S. Conception St. Mobile, Alabama; that said witnesses were first duly sworn by me as stated; that they were then examined by WILLIAM GRAYSON, Solicitor for the COMPLAINANT, and cross-examined by ~~XXXXXXXXXXXXXXXXXXXX~~

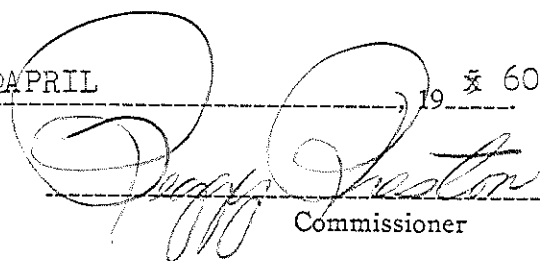
Solicitor for ~~XXXXXXXX~~ XXXXXXXX and they testified in ~~Guardian Ad Litem & Attorney Ad Litem for~~ XXXXXXXXXXXXXXXXXXXX

response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near might be the identical language of said witnesses, and that, after said testimony had been so reduced to writing, it was by me read over to said witnesses; who assented to and signed same, ~~who refused to sign same, who was physically unable to sign same, or who waived the reading and signing of same~~, in my presence and in the presence of said Solicitor for

Solicitor for Complainant and Guardian Ad Litem & Attorney Ad Litem for _____

I further certify that I am not of counsel or kin to any of the parties to the said cause, and am not in anywise interested in the result thereof, and that the depositions are true and correct as given by the witnesses.

Witness my hand this 29th day of APRIL, 19 60


Commissioner

TESTIMONY OF EUGENE HIGGINS, WITNESS ON HIS OWN BEHALF:

My name is Eugene Higgins and I am the Complainant in this case. I am the husband of the Respondent and we were married to each other in August of 1938 in Wedowee, Alabama. Both myself and the Respondent are each over the age of twenty-one years. I am a bona-fide resident citizen of the State of Alabama and have been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is either a non-resident of the State of Alabama or else she conceals herself so that process of Court cannot be had upon her. I have made diligent efforts to ascertain her whereabouts without success. The Respondent has voluntarily abandoned my bed and board for more than one year next preceding the filing of the bill of complaint herein. As a matter of fact I have not lived with the Respondent since September of 1946 at which time we were living in Lakeland, Florida. I went to work one morning and that afternoon when I returned home she had gone, took all of her clothes and personal belongings without any explanation whatsoever. I have not seen nor heard from the Respondent since that time, which has been for more than one year next preceding the filing of the bill of complaint herein. There are no children as issue of our marriage.

Eugene Higgins

TESTIMONY OF MARY RUTH BROADUS, WITNESS ON BEHALF OF THE COMPLAINANT:

My name is Mary Ruth Broadus and I have known the Complainant in this cause for about five years. The Complainant is the husband of the Respondent and they were married to each other in August of 1938 in Wedowee, Alabama. Both the Complainant and the Respondent are each over the age of twenty-one years. The Complainant is a bona-fide resident citizen of the State of Alabama and has been such for more than one year next preceding the filing of the bill of complaint herein. There are no minor children as issue of their marriage. The Respondent is either a non-resident of the State of Alabama or else she conceals herself so that process of Court cannot be had upon her. The Respondent voluntarily abandoned the bed and board of the Complainant for more than one year next preceding the filing of the bill of complaint herein. As stated above I have known the Complainant for about five years and I see him quite often. I know that the Complainant has not lived with his wife in any respect as husband and wife for the past year, as a matter of fact he has not lived with her since I have known him which has been five years. I think that I would know if they had lived together and to the best of my knowledge and belief he has not even seen her since she abandoned him.

Mary Ruth Broadus

The State of Alabama, {
Baldwin County

EUGENE HIGGINS

Complainant

VS.

LULA HIGGINS

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:

Eugene Higgins

and Mary Ruth Broadus

said witnesses reside in the County of MOBILE,

State of Alabama.

Peggy Preston

who resides at

860 Donald Street, Mobile, 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.

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

Complainant..

vs.

Defendant..

DEMAND FOR ORAL EXAMINATION

Filed **FILED** 19

MAY 2 1960

ALICE J. DUCK, Register Register.

NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

		The State of Alabama,	
No. 4759		BALDWIN	County.
EUGENE HIGGINS			
vs.		Circuit Court, in Equity	
LULA HIGGINS		This the 10th day of	
		December 1959	

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

EUGENE HIGGINS

that the Defendant LULA HIGGINS

is a non-resident of the State of Alabama THAT the whereabouts of and residence of said Respondent is unknown and cannot be ascertained after diligent 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 Lula Higgins the said Defendant

to answer or demur to the Bill of Complaint in this cause by the 10th day of January 1960, or after thirty days therefrom a decree Pro Confesso may be taken against Her.

William Grayson
Solicitor for Complainant

Register.

William Grayson

LAWYER

~~907 FIVE SIX SEVEN EIGHT NINE~~ 56 S. Conception St.
MOBILE 13, ALABAMA

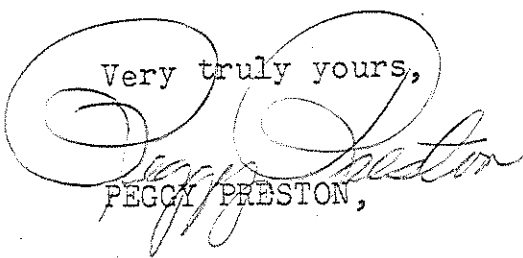
April 28th, 1960

Mrs. Alice J. Duck
Clker of the Circuit Court
Court House
Bay Minette, Alabama

Dear Mrs. Duck:

On this Higgins case I have not enclosed a check because I was not sure how much the costs would run with the advertisement. Just send me a bill and I will send you a check immediately. Thank you very much for your help and consideration.

Very truly yours,


PEGGY PRESTON,

EUGENE HIGGINS,
Complainant,

-vs-

LULA HIGGINS,
Respondent.

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

NO. _____

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Comes the Complainant and shows unto Your Honors and unto
this Honorable Court as follows:

ONE

Complainant is the husband of the Respondent and they
were married to each other in August of 1938 in Wedowee,
Alabama. Both the Complainant and the Respondent are each
over the age of twenty-one years. The Complainant is a bona-fede
resident citizen of the State of Alabama and has been such
for more than one year next preceding the filing of the bill
of complaint herein. The Respondent is either a non-resident
of the State of Alabama or else she conceals herself so that
process of Court cannot be had upon her. The Complainant
has made diligent efforts to ascertain her whereabouts without
success. There are no minor children as issue of their marriage.

TWO

The Respondent has voluntarily abandoned the bed and board
of the Complainant for more than one year next preceding the
filing of the bill of complaint herein.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction
of this cause, will make the said Lula Higgins, party-respondent
hereto, and will cause her to appear, plead, answer or demur
hereto, within the time allowed by law and the rules of this
Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that Your Honors will see fit to grant him and ~~absolute~~ divorce from the bonds of matrimony with the Respondent, and Complainant further prays for such other, further or different relief as in equity he may be due, and as in duty bound he will ever pray, et c.

William T. Tupper
SOLICITOR FOR COMPLAINANT.

EUGENE HIGGINS

Complainant,

-vs-

LULA HIGGINS

Respondent.

IN THE CIRCUIT COURT

OF

BALDWIN

MOBILE COUNTY, ALABAMA

IN EQUITY.

NO. _____

NON-RESIDENCY AFFIDAVIT

STATE OF ALABAMA:

COUNTY OF MOBILE:

Before me, the undersigned authority, in and for said State and County, personally appeared Eugene Higgins who was made known to me, and who by me being first duly sworn on oath deposes and says as follows:

That I am the Complainant in the above styled cause and the Respondent named therein is either a non-resident of the State of Alabama or else conceals herself so that process of Court cannot be served upon said Respondent; that the whereabouts of and residence of said Respondent is unknown and cannot be ascertained after diligent effort. Complainant states that such effort has been made without success: and that the said Respondent is over the age of twenty-one years.

R.E. Higgins
AFFIANT

SWORN and subscribed to before

me on this 3rd day of Nov., 1959.

William H. Hester
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

EUGENE HIGGINS,
Complainant,

-vs-

LULA HIGGINS,

Respondent.

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

()

NON-MILITARY AFFIDAVIT

STATE OF ALBAMA:

COUNTY OF MOBILE:

Comes the Complainant in the above styled cause and shows unto this Honorable Court under oath as follows:

That he is the Complainant in this cause and that he is the husband of the Respondent. The Respondent is over the age of twenty-one years and is not a member of the Armed Forces of the United States of America or any of its allies.

Eugene Higgins
AFFIANT.

Sworn and subscribed to before me on
this 28th day of April, 1960

[Signature]
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED

MAY 2 1960

ALICE J. DUCK, Register

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

No. 4759

Term, 19

EUGENE HIGGINS

Complainant.

Vs.

LULA HIGGINS

Defendant.

Motion is hereby made for a Decree Pro Confesso against LULA HIGGINS

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 28 day of April 1960

746 Code

William B. Prosser
Solicitor.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

EUGENE HIGGINS

Complainant _____

Vs.

LULA HIGGINS

Defendant _____

Motion for Decree Pro Confesso
on Publication

filed 4-28 1960

W. J. H. H. H.
Register

Recorded in _____ Record

Vol. _____ Page _____

Register.

The State of Alabama,
Baldwin County.

} CIRCUIT COURT, IN EQUITY
No. 4759 Term, 19

EUGENE HIGGINS Complainant.

LULA HIGGINS 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 10 day of December, 1959, 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 10 day of Dec. 1959, and

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

Lula Higgins

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 Lula Higgins

This 2nd day of May 1960

Alice J. Duck Register.

No. 4752 Page

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

EUGENE HIGGINS

Vs.

LULA HIGGINS

Decree Pro Confesso of Publication

Issued 19

Register.

Recorded in Record

Vol. Page

Register.

4752