

597

The State of Alabama, }
Baldwin County.

No. 597.

CIRCUIT COURT, IN EQUITY

George O. Miller

Complainant

vs.

Mary O. Miller

Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant.

On account of voluntary abandonment,

It is further ordered, that the said George O. Miller

be, and he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said George O. Miller

pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then

execution for such costs may issue against the said Mary O. Miller

It is further ordered, adjudged and decreed that said George O. Miller

shall not again marry except to said Mary O. Miller,

until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to

said Mary O. Miller, during the pendency of said appeal

This 13th day of

192

6

John D. Leigh
Judge of the Circuit Court of Baldwin County.

THE STATE OF ALABAMA, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

I, _____ Register of said Circuit Court of said County,

Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on

the _____ day of _____, 192 _____, in the cause of

Complainant

vs.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____, 192 _____

Register.

No. 597.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
BALDWIN COUNTY, ALA.

George O. Miller

vs.

Mary O. Miller

DECREE OF DIVORCE.

Filed in office this

13th

day of

Sept

1924

T. W. Rice

Register.

E. O. M.

RECORDED

13th

13th

ORIGINAL COPY
FOR BIRTH OR MARRIAGE

ORIGINAL COPY OF DEED

FILED

FILED

The State of Alabama, } Circuit Court of Baldwin County, Alabama
 Baldwin County. } (In Equity.)

George O. Miller Complainant.

VS.

Mary O. Miller, Respondent.

I, T. W. Richerson,

as Register and Commissioner

have called and caused to come before me George O. Miller, Emanuel M. Kellar

Clarence A. Kellar,

witnesses named in the Requirement for Oral Examination, on the 16th day of April 1926, at the office of Register

in Bay Minette, Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said Witnesses,

doth depose and say as follows:

George O. Miller the Complainant in this cause who being duly sworn testified as follows, My name is George O Miller and am 65 years of age and a bonafide resident of Baldwin County Alabama residing in the Town of Fairhope, I am a naturalized Citizen of the United States, and have been a bonafide resident of this State and County, for more than three years next preceding the filing of this Bill., the Defendant Mary O Miller is over the age of 21 years of age and resides at Summerdale in Baldwin County Alabama, I and Mary O. Miller, were married on the 15th day of November 1888 at Koppisch, in Austria, and ever since been husband and wife, On the 15th day of April 1913, in this County, ^{she} voluntarily left and abandoned my farm home leaving my bed and board and went to live in the Town of Summerdale, and the abandonment of my bed and board by the said Mary O. Miller, since she left me ^{about} April 15th 1923. ~~day of April 1923,~~ has been continuous for a period of more than 2 years next before the filing of this Bill, I provided a good home for my said wife and gave her no just cause or complaint for leaving me, as I at all times treated her in a kind and proper manner, We were both brought up in the Lutheran Church, and were members of that Church until 1913, she left me and abandoned my bed and board because she had taken up with a new religion called the 7th day adventist, and I would not go with her in her religion, Her religion required her to keep Saturday as the sabbath in which

she could not do her regular work on the farm but had to go to church, on Saturday, her religion also required that she prepare or eat no pork of any kind for food, and I was obliged to prepare my own meals and eat at a separate ~~table~~ place from the other members of the family, I tried to get her to work in harmony with me as we had done for so many years but she said that she would rather die than give up her religion and left me and went to live in Summerdale, After I sold some property up north I gave her half of it. Then she told me that she did not want to see me any more and not to come to her funeral if I heard that she was dead,

George O. Miller Jr.

Emanuel M. Kellar a witness for Complainant who being duly sworn testified as follows:- My name is Emanuel M. Kellar and over 21 years of age and reside at Fairhope Baldwin County Alabama, I have lived for more than the last five years a close neighbor of George O Miller, and know that his wife Mary O Miller has not lived with him during any of that time.

Emanuel Kellar

~~Clarence A. Kellar~~ a witness for Complainant who being duly sworn testified as follows: My name is Clarence A Kellar, I am over the age of 21 years, and reside ^{at} ~~near~~ Fairhope Alabama, I have lived right close to George O Miller and know that Mary O Miller has not lived with George O Miller during the last 5 years or more,

O. A. Kellar

ORAL EXAMINATION.

I, T.W. Richerson, _____, as Register and Commissioner hereby certify that the foregoing deposition... on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presense of myself _____ and Hon E.P. Totten, Solicitor for Complainant, _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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 16th day of August, 1926.

T.W. Richerson (L. S.)

NO. 597. PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

George O. Miller

vs. Complainant

Mary O. Miller

Respondent.

Oral Deposition

Filed August 16th, 1926

T.W. Richerson Register.
Recorded in

Record

Vol. _____ Page _____

Register

11

In Circuit Court,

State of Alabama,
County of Baldwin,

Mary O. Miller,
vs.
George O. Miller,

To the Hon John W. Leigh,

Judge of said Court,

Your Orator Mary O. Miller
respectfully shows unto your Honor as
follows,

First,

That I am a naturalized citizen
of the United States and over the age
of Twenty-One years, and have been
a bonafide resident of this State
and County for more than Three years
residing at the Town of Summerdale.

Second.

I am a resident of the town of
Summerdale and have been since
the year nineteen thirteen.
The said George O. Miller consented
my coming here to seek employ-
ment of the Tobacco Company, and also
giving my two children proper
provision. During which time I
supported him, baked his bread,
and gave him money.

Third.

That I and the said George O. Miller
were married on the Twenty Fifth
of November 1885, in Kattowitz
Koppisch, Austria.

Fourth.

That Leo O. Miller says I
and his bed and board

"Have been here, now Good Bye,
Will not come any more."
That was written July Thirtieth,
Nineteen Thirteen, ~~the~~ he went away
again and some time later he
wrote a letter to the children, as he
left me with two small children
to support. And from that day to this
he hasn't given me a penny, except
occasionally sent a little money for the
children which wasn't much, and some-
time a pair of shoes for the children.
For about three years he helped
the children occasionally, but never
a penny for me, Only when our
property in the north was sold in
Nineteen ~~Twenty~~ Hundred and
Twenty Three (1923) he brought me
a portion of the money.

Fifth.

The said George O. Miller, from the time
he left me, never acknowledged me
as his wife, nor ever said a word about

but as, has already been said
in the second Article that he
was willing for me to come to
Summerdale to work.

As this Liberty loving Country of
ours grants religious Freedom to its
Citizen's, I accepted the Seventh Day
Adventist Faith, and by so doing
the said George O. Miller became
very angry, and made the fact very
definitely known to me, that from
then on each one would have to make
their own living. The said George
O. Miller had promised to give me
half of the money when our cattle were
sold, but after saying we each had to
make our own living, He sold the
cattle, kept all the money and went
away, not even telling me where he
was going. After being gone for
some time he came back to this state
but did not come to see me, just left
a card at our old Farmhouse, with
these few words written thereon,

my coming back to him. It has
been Thirteen years since he left,
or rather abandoned me and
I never caused him any trouble
of any kind, not even to making
him pay alimony. Even after I
was advised to make him pay
alimony, I did not do so, because
I wanted to keep peace in the
family.

Now that the said George O. Miller
is the one suing for divorce, and
the premises considered, your orator
respectfully prays, that the said
George O. Miller be made to pay
alimony for the past Thirteen
years. Otherwise I will not give
my permission for the said
George O. Miller to obtain a divorce.

J. A. Middleton,
1113 Old shell Rd.
Mobile Ala.

Written as dictated, by Mrs Mary O. Miller,
as she cannot write English fluently enough.

Mobile, Ala.
July 13, 1926.

County Clerk,
Buy Minette,
Ala.

Dear Sir----,

On the Twenty Sixth of June my Mother received a summons to appear in court, sometime within thirty days from that time. The summons was a complaint brot against Mrs Mary O'Miller, by Mr. George O. Miller, but as Mr. White, the Sheriff said, it is a very unusual complaint as the cause for complaint was not listed, so therefore I am writing to you for information regarding this matter, would you be so kind as to let me know what the cause for this complaint is. Thanking you most appreciatively for your kindness in advance, I am most Sincerely,

Mrs J. A. Middleton,
1113 Old Shell Road,
Mobile, Ala.

LAW OFFICE OF
EDWARD P. TOTTEN
FAIRHOPE, ALA.

Fairhope Ala., July 23d, 1926

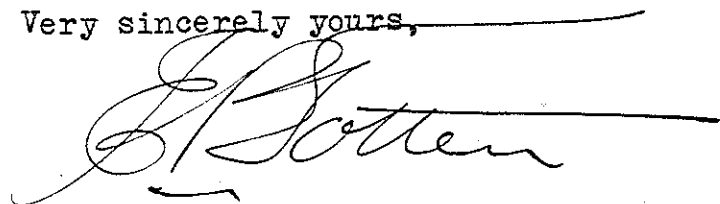
T. W. Richerson, Esq.
Register of Circuit Court
Bay Minette, Ala.,

Dear sir:-

Referring to the case of Miller vs. Miller,
Bill of Complaint of which in duplicate I sent you on
June 16th, will you kindly advise me whether service on
Respondent was made in due course and whether any answer has
been filed by her with you.

With all good wishes, believe me,

Very sincerely yours,

A handwritten signature in cursive script, appearing to read 'E. P. Totten', written over a horizontal line.

EPT/FM

STATE OF ALABAMA
COUNTY OF BALDWIN

IN CIRCUIT COURT
IN EQUITY

George O. Miller
vs.
Mary O. Miller

Bill of Divorce for Abandonment.

To the Honorable John D. Leigh,

Judge of said Court:

Your orator, George O. Miller,

~~respectfully shows unto your Honor as follows:~~

First

That he is a naturalized citizen of the United States over the age of twenty-one years and has been a bona fide resident of this state and county for more than three years next preceding the filing of this bill, residing at the Town of Fairhope therein.

Second

That, Mary O. Miller is a resident citizen of Baldwin County, Alabama, living at or near the town of Summerdale, therein.

Third

~~That he and the said Mary O. Miller~~
intermarried on or about the fifteenth day of November, 1885 at Koppisch, in Austria, and ever since have been and now are lawful husband and wife.

Fourth

That on or about the fifteenth day of April, 1913, at the County of Baldwin, Alabama, the respondent voluntarily abandoned your orator, leaving his bed and board, and that said abandonment has ever since continued and has been continuous for a period of more than two years next preceding the filing of this bill; that said abandonment was without any just cause or any fault on the part of your orator and was wholly without his consent.

Fifth

That the said Mary O. Miller has been and is thus guilty of abandonment as the same is defined and described in Section 7407 and 7414, Code of Alabama, 1923.

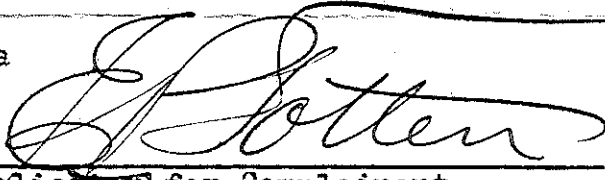
THE PREMISES CONSIDERED Your orator respectfully prays that the said Mary O. Miller be made party respondent to this bill of complaint by the usual process of this Honorable Court, and that she be required to demur, plead to or answer the same within the time and under the penalties as provided by law, or that the same be forever confessed.

PRAYER FOR RELIEF

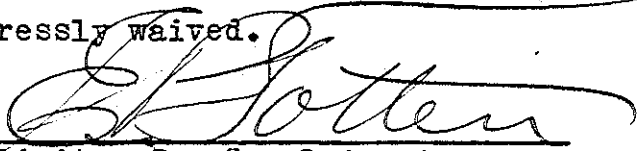
Wherefore your orator prays that upon the final hearing of this cause, the bonds of matrimony now and heretofore subsisting between himself and Mary O. Miller be wholly dissolved, and that he be granted by this Honorable Court an absolute divorce therefrom; that your orator may have such other and further relief as to the Court shall seem equitable and just in the premises.

Fairhope, Baldwin County, Alabama

7th day of June, 1926


Solicitor for Complainant
Fairhope, Alabama

The respondent above named is required to answer every allegation contained in the foregoing bill, paragraphs first to fifth, inclusive, but not under oath; answer under oath being hereby expressly waived.


Solicitor for Complainant

The State of Alabama, }
Baldwin County.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama--GREETING :

WE COMMAND YOU, That you summon Mary O Miller

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

George O. Miller

against said Mary O Miller,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 16th day of June, 192 6.

T. W. Richerson Register.

N. B.— Any party defendant is entitled to a copy of the bill upon application to the Register.

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

George O. Miller

vs.

Mary O. Miller

*Summersdale
Allen*

Edward P. Totten.

Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this 16th

day of June, 1926

W. R. Stuart

Sheriff.

Executed this 26th day of

June 1926

by leaving a copy of the within Summons with

Mary O. Miller
Defendant.

W. R. Stuart
Sheriff.

By *J. T. White*
Deputy Sheriff.

RECORDED

The State of Alabama, }
BALDWIN COUNTY.

No. 597. CIRCUIT COURT IN EQUITY.

George O. Miller Complainant...

vs.

Mary O. Miller Defendant...

Motion is hereby made for a Decree Pro Confesso against

Mary O. Miller, 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 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 26th day of July 1929


.....
Solicitor.

The State of Alabama, }
Baldwin County.

No. 597. CIRCUIT COURT, IN EQUITY

George O. Miller Complainant

vs.

Mary O. Miller Defendant

In this cause it appears to the Register

that a Summons requiring the Defendant Mary O. Miller,

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon Mary O. Miller,

was served upon her by the Sheriff of Baldwin County, Alabama, on the 26th day of June, 1926.

And the said Defendant..... having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Hon. Edward P. Totten

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said Mary O Miller,

Defendant aforesaid.

This 27th, day of July 1926

W. R. Robinson

Register.

No. 597.

Page

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.

George O. Miller

Vs.

Mary O. Miller

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued July 27th 1926

T. W. Richardson

Register.

RECORDED

8550 REQUEST FOR DECREE IN VACATION.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 597. August 16th, 1926.

George O. Miller, Complainant...

vs.

Mary O. Miller, Defendant...

To T.W. Richerson, Register:

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Edward P. Totten

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

E. P. Totten
Solicitor for Complainant.

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

George O. Miller

vs.

Mary O. Miller

REQUEST FOR DECREE IN
VACATION

FILED August 16th, 1926

T. W. Richardson
Register

RECORDED

RECORDED IN _____ RECORD

VOL. _____ PAGE _____

Register

George O. Miller

vs.

Mary O. Miller

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
decree pro confesso, and testimony of George O. Miller,
Emanuel M. Kellar and Clarence A. Kellar,

and in behalf of Defendant upon

T. W. Kellar

Register.

No. 597.

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

George O. Miller

VS

Mary O. Miller,

NOTE OF TESTIMONY

Filed in Open Court this 28th

day of August 1926

T. W. Richardson

Register