

612

ARTHUR O. GILBERT,
Complainant,

-vs-

LAUREL MCGUIRE GILBERT,
Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE.

STATE OF ALABAMA.

BALDWIN COUNTY.

TO THE HON. THE CIRCUIT COURT-EQUITY SIDE, STATE OF ALABAMA, BALDWIN COUNTY, AND THE HON. JOHN D. LEIGH, JUDGE THEREOF, SITTING IN EQUITY:-

Comes your Complainant, Arthur O. Gilbert, and exhibits this, his Bill of Complaint against the respondent, Laurel McGuire Gilbert for divorce on the grounds of voluntary desertion and abandonment and shows unto your Honor and unto this Honorable Court as follows:

FIRST:

That both complainant and respondent are over the age of 21 years; that your complainant is a bona fide resident of Baldwin County, Alabama and has been such resident for more than three years next immediately preceding the filing of this Bill of Complaint; that the respondent is a non-resident of the State of Alabama and resides at 43 Park Avenue, White Plains, N. Y.

SECOND:

That your complainant and the respondent were married on heretofore to-wit: about ten years ago and they lived together as man and wife until to-wit: June 1920.

THIRD:

That on to-wit: during the month of June, 1920, the respondent voluntarily deserted and abandoned your complainant and without just cause or legal excuse; that about a year and a half after such desertion and abandonment complainant did visit the said respondent as her husband; that for the past four and one-half years the respondent, although repeatedly requested to do so, has wholly failed and refused to return to and live with your complainant as his wife; that such abandonment has continued for more than two years next immediately preceding the filing of this Bill of Complaint.

PRAYER FOR PROCESS AND RELIEF:

THE PREMISES CONSIDERED, complainant prays that such

(page two)

orders and decrees, notices and summons be made and issued necessary to make the above named respondent party defendant to this Bill of Complaint, requiring her to appear and plead, answer or demur within the time and under the pains and penalties prescribed by law and the rules and practices of this court; that upon a final hearing hereof your Honor will render, adjudge and decree that the bonds of matrimony heretofore existing between your complainant, Arthur O. Gilbert and the respondent, Laurel McGuire Gilbert, be forever dissolved and, as in duty bound, your complainant will ever pray, etc.



Solicitor for Complainant.

FOOT NOTE:-

The respondent, Laurel McGuire Gilbert is required to answer each and every paragraph of the foregoing Bill of Complaint from First to Third, both inclusive, but answer under oath is hereby expressly waived.



Solicitor for Complainant.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me the undersigned authority, personally appeared Arthur Oliver Gilbert who is known to me and who, after being by me first duly and legally sworn, doth depose and say under oath:-

That his name is Arthur Oliver Gilbert and that he is the Complainant in that certain cause now pending in the Circuit Court-Equity Side, State of Alabama, Baldwin County, wherein Laurel McGuire Gilbert is the defendant; that both affiant and the defendant in said cause are over the age of twenty one years; that the defendant is a non-resident of the State of Alabama, residing at 48 Park Avenue, White Plains, N. Y; that service by publication against the said defendant is necessary to make her party to said cause.

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed this August 4th, 1926.


Notary Public, Baldwin County,
State of Alabama.



THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

R. B. VAIL
EDITOR AND PROPRIETOR

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail

_____, being duly sworn, deposes and says that he is
the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay
Minette, Baldwin County, Alabama; that the notice hereto attached of _____

Gilbert vs Gilbert # 611

NOTICE TO NON-RESIDENT
State of Alabama, Baldwin County
Circuit Court, in Equity. This
the 29th day of September, 1926.
Arthur O. Gilbert, No. 611, vs
Laurel McGuire Gilbert.

In this cause it being made to ap-
pear to the Register of this court by
the affidavit of Arthur O. Gilbert,
that the Defendant Laurel McGuire
Gilbert is a non-resident of the
State of Alabama and resides at 48
Park Avenue, White Plains, N. Y.
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
her the said Laurel McGuire Gilbert
to answer or demur to the Bill of
Complaint in this cause by the 30th
day of October, 1926, or after thirty
days therefrom a decree Pro Con-
fesso may be taken again here.

T. W. RICEHSON, Register.
Norborne Stone, Atty for Plaintiff.
35-4t.

Was published in said Newspaper for 4 consecutive weeks in the following

issues:

Date of first publication Sept 30 1926 Vol. _____ No. _____

Date of second publication Oct 7 Vol. _____ No. _____

Date of third publication 14 Vol. _____ No. _____

Date of fourth publication 21 Vol. _____ No. _____

Subscribed and sworn to before the undersigned this 1st day of

Nov 1926
T. W. Ricehson
Circuit Court

R. B. Vail
Publisher.

Arthur O. Gilbert,

No. 611.

vs.

Laurel Mc Guire Gilbert,

CIRCUIT COURT OF

Baldwin COUNTY.

IN EQUITY.

I, T.W. Richerson, Register of said Court, do hereby certify that I

did, on the 29th day of September, 1926, send to

Laurel Mc Guire Gilbert, Defendant

whose address was 43 Park Avenue White Plains N.Y.

by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," a copy of the Bill of Complaint filed in this cause; that I demanded a return receipt addressed to the Register of this Court; and that such

receipt was duly received and filed by me in this cause, on the 11 day of Oct 1926

Witness my hand, this 11 day of Oct 1926

T.W. Richerson

Acts 1915, Page 604.

Register.

8601 Motion for Decree Pro Confesso on Publication.

The State of Alabama, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 611. Bay Minette Ala Dec 4 1926 Term, 1926

Arthur O Gilbert Complainants

vs.

Laurel Mc Guire Gilbert. Defendants

Motion is hereby made for a Decree Pro Confesso against

Laurel Mc Guire Gilbert, 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 4th day of December 1926.

746 Code.

Norborne Stone, Solicitor.

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No. 611.

CIRCUIT COURT OF
BALDWIN COUNTY.
IN EQUITY.

Arthur O Gilbert

vs.

Laurel Mc Guire Gilbert,

CERTIFICATE OF REGISTER AS TO NOTICE
BY REGISTERED MAIL.

Filed in office on this 11th
day of Oct 1926

[Signature]
Register.

RECORDED
RECORDED

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No. 611. Page

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Arthur O. Gilbert

Complainants.

Vs.

Laurel Mc Guire Gilbert

Defendants.

MOTION FOR DECREE PRO
CONFESSO ON PUBLICATION.

Filed Dec 4th 1926

[Signature]

Register.

Recorded in Record,

Vol. Page

Register.

Baldwin Times Print, Bay Minette.

RECORDED

Bay Minette, Ala., 10/25/26

M T.W. Richerson
for N.C. Stone

THE BALDWIN TIMES

FINE JOB PRINTING. BEST ADVERTISING MEDIUM

PROMPT SERVICE. LOWEST PRICES.

LOCAL AND LONG DISTANCE TELEPHONE

All Bills Must Be Paid Within 30 Days

To Notice of Gilbert vs Gilbert #611

Run Sept 30 - Oct 7 - 10-21 - 19/2000 etc 792

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 611. Bay Minette Ala Dec 17
Term, 1926

Arthur O. Gilbert, Complainant

vs.

Laurel Mc Guire Gilbert, 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 Hon. N.C. Stone Atty

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.

N.C. Stone,
Solicitor for Complainant.

No. 611.

Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Arthur O. Gilbert

vs.

Laurel Mc Guire Gilbert.

REQUEST FOR DECREE IN
VACATION

Dec 17th 1926

T. W. [Signature]
Register

RECORDED

RECORDED IN RECORD

VOL. PAGE

Register

Arthur O. Gilbert

No. 611.

vs. Laurel Mc Guire Gilbert,

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

This the 29th day of
September, 1926.

In this cause it being made to appear to the Register of this Court by the affidavit of
Arthur O. Gilbert,

that the Defendant Laurel Mc Guire Gilbert,

is a non-resident of the State of Alabama and resides at 43 Park Avenue, White Plains
N.Y.

is
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,
Bay Minette,
a newspaper published in

Baldwin County, Alabama, once a week for four consecutive weeks, requiring her
the said Laurel Mc Guire Gilbert,

to answer or demur to the Bill of Complaint in this cause by the 30th day of
October, 1926, or after thirty days therefrom a decree Pro Confesso may
be taken against her.

Horborne Stone.

T. W. Register Register.

Attorneys for Plaintiff.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 611 Dec 6th Term, 1926

Arthur A. Giepert Complainant
vs. Samuel Mc Givie Giepert Defendant

In this cause it appears to the Register that the order of publication here-
tofore made in this cause, was published for four consecutive weeks, commencing on the 30th day of
September, 1926, in the Baldwin Times
a newspaper published in Bay Minnator Alabama, that a copy of said order was posted at the Court
House door in Baldwin County, on the 30th day of
Sept 1926, and

And it now further appearing to the Register, that the said

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, there-
fore, on motion of Complainant, ordered and decreed by the Register that the
Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said

This 6th day of December, 1926

D. Williamson
Register.

4/20

No. 611

Page _____

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Arthur A. Giebert

vs.

Samuel Mc Guire
Giebert

DECREE PRO CONFESSO ON
PUBLICATION.

Issued Dec 6 1926

J. M. McIlwain
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED
INDEXED

The State of Alabama, }
Baldwin County.

No. 611. CIRCUIT COURT, IN EQUITY

Arthur O. Gilbert Complainant

vs.

Laurel Mc Guire Gilbert, 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 Arthur O. Gilbert 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 Arthur O. Gilbert 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 Laurel Mc Guire Gilbert

It is further ordered, adjudged and decreed that said Arthur O. Gilbert shall not again marry except to said Laurel Mc Guire Gilbert until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Laurel Mc Guire Gilbert, during the pendency of said appeal

This 14th day of February 1927
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. 611

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY,
BALDWIN COUNTY, ALA.

Arthur O. Gilbert

vs.

Laurel Mc Guire Gilbert.

DECREE OF DIVORCE.

Filed in office this

14th

day of

February, 1927

J. M. Rice
Register.

E. O. M.

RECORDED

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 Laurel Mc Guire Gilbert,

43 Park Avenue, White Plains, New York.

of New York ~~State~~ to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
Arthur O. Gilbert,

against said Laurel Mc Guire Gilbert,

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 29th day of

September, 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

Arthur O. Gilbert

vs.

Laurel Mc Guire Gilbert,

Norborne Stone,

Solicitor for Complainant

Recorded in Vol. Page

**THE STATE OF ALABAMA,
BALDWIN COUNTY.**

Received in office this

day of 192.....

Sheriff.

Executed this day of

..... 192.....

by leaving a copy of the within Summons with

Defendant.

Sheriff.

By Deputy Sheriff.

Sept 29th, 1926.

Copy of Complaint & Summons
registered Laurel Mc Guire
Gilbert, 43 Park Avenue,
White Plains N.Y.

T. W. Richardson
Register.

The State of Alabama,
Baldwin County.

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

Arthur O Gilbert Complainant.

VS.

Laurel Mc Guire Gilbert. Respondent.

I T.W. Richerson,

as Register and Commissioner

have called and caused to come before me Chas Weekley, and Arthur O Gilbert,

witnesses named in the Requirement for Oral Examination, on the 17 day of Dec
1926, at the office of Bay Minette Alabama.

in Alabama, and having first sworn said witnesses to speak the
truth, the whole truth, and nothing but the truth, the said witnesses

doth depose and say as follows:

Chas Weekley a witness for complainant who being duly sworn
testified as follows: ~~My name is Charles Weekley~~ My Name is Charles Weekley. I am
over 21 years of age and a bona fide resident of Baldwin County
Alabama, and have been all my life. I know Arthur O Gilbert, he is over
21 years of age and a bonafide resident of Baldwin County and has been
such resident for 3 years next preceding the filing of this bill.

I know Laurel Mc Guire Gilbert, the wife of the complainant
she is over 21 years of age next before the filing of this bill and
is a non resident of the State of Alabama.
Arthur O Gilbert and Laurel Mc Guire Gilbert, lived together as man
and wife at Dyas Baldwin County, Alabama for some years until about
June 20th, 1926, the said Laurel Mc Guire Gilbert voluntarily abandoned
and deserted Arthur O Gilbert, without just cause or excuse so far as
I know and has not lived with him as his wife since that time at
their home in Dyas Baldwin County, Alabama,

Chas Weekley

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 witness ES and read over to them and they signed the same in the presence of myself and Hon. H. C. Stone Atty. for Complainant.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ES or had proof made before me of the identity of said witness ES; 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 17 day of Dec 192 6.
T. W. Richerson (L. S.)

NO. 611 PAGE _____

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

Arthur O Gilbert
vs. Complainant
Laurel Mc Guire Gilbert,
Respondent.

Oral Deposition

Filed Dec 17th, 192 6

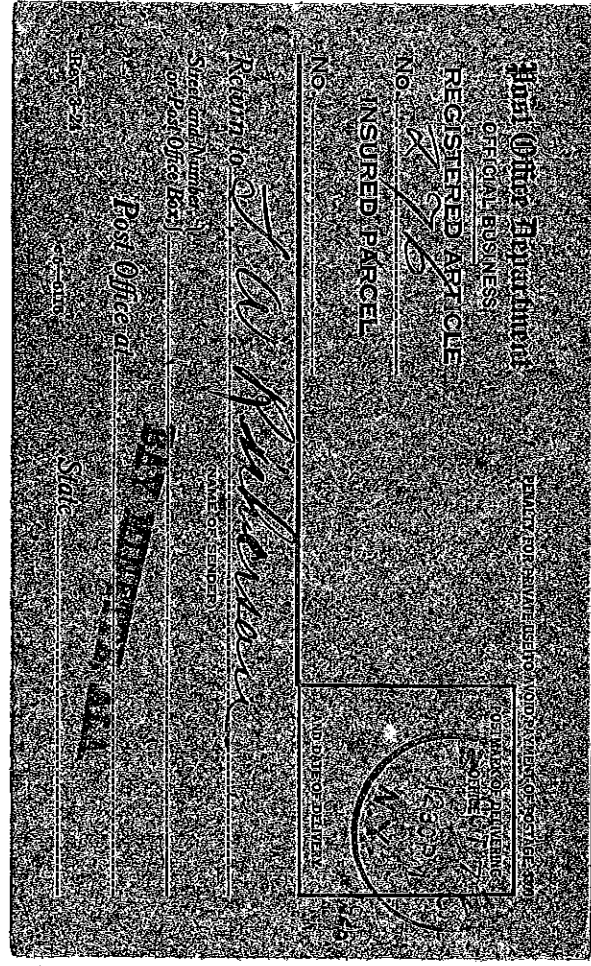
T. W. Richerson Register.

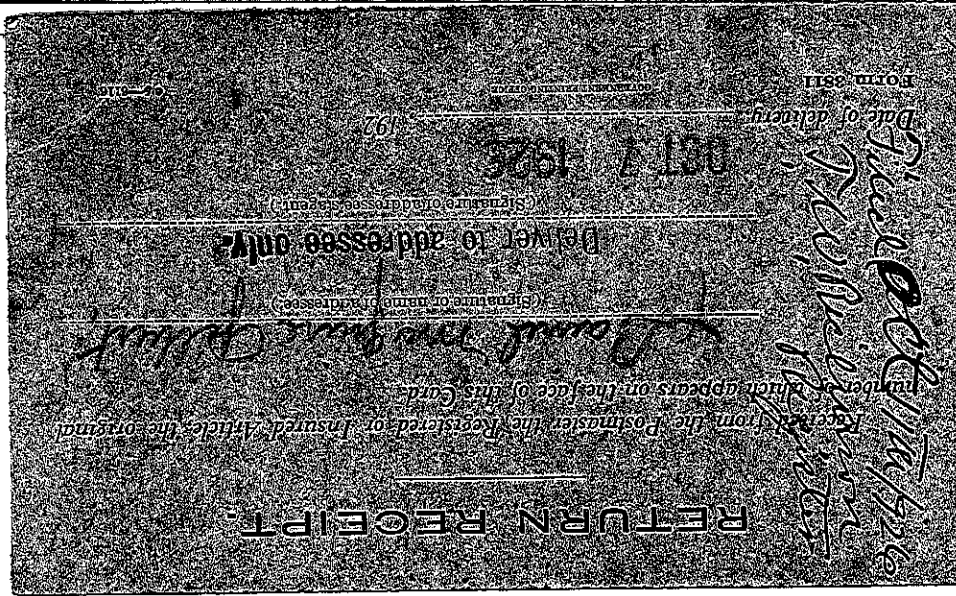
Recorded in _____

Record _____

Vol. _____ Page _____

_____, Register





Arthur O. Gilbert, the complainant and a witness for complainant, after being duly sworn, testified as follows:-

My name is Arthur O. Gilbert and I am the complainant in the above styled cause wherein my wife, Laurel McGuire Gilbert is the respondent. Both myself and the respondent are over 21 years of age. I am a bona fide resident of Baldwin County, Alabama, with my home near Dyas. I have been such a resident for more than three years next immediately preceding the filing of the Bill of Complaint in this cause. The defendant is a non-resident of the State of Alabama and resided on August 4th., 1926 and now resides at 43 Park Avenue, White Plains, N. Y.

I and the defendant were married about ten or eleven years ago and we lived together as man and wife until during the month of June, 1920, when my wife, the respondent, voluntarily deserted and abandoned me without just cause or legal excuse. Such desertion and abandonment took place in Baldwin County, Alabama. About a year and a half after this desertion I visited my wife one time and this was while she was in White Plains, N. Y. Since that time and being for the past 4½ years my wife has continued to abandon and desert me although I have repeatedly requested her to return to my home; that this abandonment took place more than two years before the filing of the Bill of Complaint in this cause and has continued without interruption.

On one occasion during the past 4½ years I sent my wife \$100.00 for the express purpose of providing her transportation to return to me but she refused to do so.

I gave her no reason for deserting me as she did and have done all that I could to get her to return for the past six years.

Arthur O. Gilbert