

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE JOHN D. LEIGH, JUDGE OF SAID COURT,
SITTING IN EQUITY.

Your Oratrix, Nellie K. Rogers, brings this bill of complaint, and respectfully shows unto the Court, and to your Honor:

1.- That she was married to T. Webb Rogers, February 19th, 1913; that they are both more than twenty-one years of age; that she has been a bona fide residents of Baldwin County, Alabama, for more than three years next before the filing of this bill of complaint, and her husband is a non resident of the State of Alabama, residing in Idaho Falls, Idaho..

2.- There was born of said marriage one child Everett L. Rogers, who resides with complainant.

3.- Complainant further alleges that her said husband voluntarily abandoned her more than two years next before the filing of this bill of complaint.

4.- Complainant further alleges that she has lived separate and apart from the bed and board of her husband for five years, next before the filing of this bill of complaint, and has been without support from him for more than two years, next preceding the filing of said bill, and she has bona fide resided in this State during said period.

PRAYER FOR PROCESS.

WHEREFORE, the premises considered, your oratrix prays that the said T. Webb Rogers, be made party defendant to this bill of complaint, and that service upon him be had by publication in accordance with the rules and practice of this Honorable Court, and that he be required to demur, plead, or answer to this bill of complaint, within the time and under the pains and penalties provided by law, and by the rules of this Honorable Court.

PRAYER FOR RELIEF.

Oratrix further prays that upon the final hearing of this cause a decree be made and entered granting her a divorce from the bonds of matrimony, and the custody of said child, Everett L. Rogers, and such other and further relief, as she may be entitled to in the premises.

Webb & Shepard
SOLICITORS FOR COMPLAINANT.

STATE OF ALABAMA,)
MOBILE COUNTY,)

Before me, Claudine Joseph, a Notary Public in and for the State and County aforesaid, personally appeared Nellie K. Rogers, who being by me first duly sworn says that the allegations contained in the foregoing bill of complaint for divorce filed by her against her husband, T. Webb Rogers, are true.

Nellie K. Rogers.

Sworn to and subscribed before me on this the 19th, day of October, 1926.

Claudine Joseph
NOTARY PUBLIC, MOBILE COUNTY, ALA.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
No. 630. Vacation Term, 19 27

Nellie K. Rogers Complainant

vs. T. Webb Rogers, 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 28th
October, 19 26, in the Fairhope Courier,
a newspaper published in Fairhope, Baldwin Co. Alabama, that a copy of said order was posted at the Court
House door in Baldwin County, on the 28th day of
Oct 19 26, and

And it now further appearing to the Register T. W. Richardson, that the said

T. Webb Rogers,

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

T. Webb Rogers,

This 17th day of January, 19 27

T. W. Richardson
Register.

No. 630. Page

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Nellie K. Rogers,

vs.

T. Webb Rogers,

DECREE PRO CONFESSO ON
PUBLICATION.

Issued Jan 17th, 1926.

T. W. Reel
Register.

Recorded in Record

Vol. Page

RECORDED

Register.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 630

Vacation

Term, 1927

Mellie K. Rogers, Complainant

vs.

F. Webb Rogers, Defendant

To F. 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 Webb & Shepard,

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.

Webb & Shepard,

Solicitor for Complainant.

No. 630

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Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Nellie K. Rogers

vs.

T. Webb Rogers,

REQUEST FOR DECREE IN
VACATION

FILED Nov 9th, 1927. 192

T. W. Register

Register

RECORDED IN RECORD

VOL. PAGE

Register

RECORDED

NOTICE TO NON-RESIDENT.

Moore Ptg. Co—Bay Minette.

~~Nellie K. Rogers,~~

650.

The State of Alabama,

No.

County.

T. Webb Rogers, vs.

Circuit Court in Equity.

This the 6th day of October,

192

Nellie K. Rogers,

In this cause it being made to appear to the Clerk of this Court by the affidavit of T. Webb Rogers,

that the Defendant

, residing in Idaho Falls, Idaho.,

is a non-resident of the State of Alabama

is

Fairhope Courier,

Fairhope,

and further, that, in the belief of said Affiant... the Defendant... 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

the said

27th,

November, 6, to answer or demur to the Bill of Complaint in this cause by the... day of

the said defendant.

192, or after thirty days therefrom a decree Pro Confesso may be taken against the said Defendant:

Webb & Shepard.

Attorneys for Plaintiff

T. M. ...
Register.

Nellie K. Rogers

.....
.....
.....

vs.

T. Webb Rogers,

.....
.....
.....

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 Nellie K. Rogers.

and in behalf of Defendant upon

.....
.....
.....

T. W. Register

Register.

3

No. 630

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Willie K Rogers

VS

T. Webb Rogers

NOTE OF TESTIMONY

Filed in Open Court this 9th

day of Nov 1927

T. W. Keenan

Register

MOORE PTG CO

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 T. Webb Rogers,

of Idaho Falls, Idaho ~~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 Mellie K. Rogers,

against said T. Webb Rogers,

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 20th day of

October, 1926.

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

Nellie K. Rogers,

vs.

Webb Rogers,

Webb & Shepard, Mobile Ala.

Solicitor for Complainant

**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.

Copy of bill and copy of Summons sent Deft Oct 20, 1926.

J. W. Rogers

[Faint circular stamp]

Recorded in Vol. Page

The State of Alabama, }
Baldwin County.

No. 630 CIRCUIT COURT, IN EQUITY

Nellie K. Rogers Complainant

vs.

T. Webb Rogers, 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 abandonment,

It is further ordered, that the said Nellie K. Rogers,

be, and she 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 Nellie K. Rogers, 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 T. Webb Rogers,

It is further ordered, adjudged and decreed that said Nellie K. Rogers, shall not again marry except to said T. Webb Rogers, until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said T. Webb Rogers, during the pendency of said appeal

It is further ordered that Nellie K. Rogers, have the care, custody and control of Everett L. Rogers, born of the marriage of Nellie K. Rogers, and T. Webb Rogers, said child now residing with its mother the said Nellie K. Rogers,

This 14th day of February 1928

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.

Minnick

No. 630

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
BALDWIN COUNTY, ALA.

Nellie K. Rogers,

vs.

T. Webb Rogers,

DECREE OF DIVORCE.

Filed in office this *10th*

day of *July*, 192*8*

J. W. Minnick
Register.

E. O. M. *10:30 AM*

Hollie T. Rogers,

No. 650,

vs.

T. Webb Rogers,

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

This the 30th day of
October, 1926

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

Hollie T. Rogers,

that the Defendant T. Webb Rogers,

is a non-resident of the State of Alabama, residing in Idaho Falls, Idaho,

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 Fairhope Review,

a newspaper published in Fairhope,

Baldwin County, Alabama, once a week for four consecutive weeks, requiring

the said T. Webb Rogers,

to answer or demur to the Bill of Complaint in this cause by the 27th day of
November, 1926, or after thirty days therefrom a decree Pro Confesso may
be taken against the said Defendant.

T. W. Piskunoff, Register.

W. A. Stewart,
Attorneys for Plaintiff.

JAMES H. WEBB
TAZEWELL T. SHEPARD

LAW OFFICES OF
WEBB & SHEPARD
VAN ANTWERP BUILDING
MOBILE, ALABAMA

October 19, 1926.

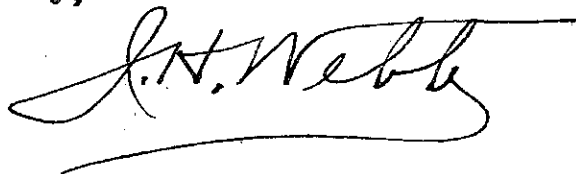
Mr. T. W. Richerson,
Clerk of Circuit Court,
Bay Minette, Ala.

Dear Tom:

Enclosed find bill for divorce, which please file.
Mrs. Rogers wishes publication made in the Fairhope Courier.
As the bill is sworn to an additional affidavit is not necessary.

Yours truly,

JHW/J.
encl.

A handwritten signature in cursive script, reading "J. H. Webb", with a long horizontal flourish underneath.

E.B.Gastony being first duly sworn deposes and says
That he is the publisher of the Fairhope Courier, published weekly at Fairhope, Alabama, that the attached Notice to Non

NOTICE TO NON-RESIDENT
STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT IN EQUITY
Nellie K. Rogers vs. T. Webb Rogers.
This the 20th, day of October 1926.
In this cause it being made to appear to the Register of this Court by the affidavit of Nellie K. Rogers, that the Defendant T. Webb Rogers, is a non-resident of the State of Alabama, residing in Idaho Falls, Idaho, 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 Fairhope Courier, a newspaper published in Fairhope, Baldwin County, Alabama, once a week for four consecutive weeks, requiring him the said T. Webb Rogers, to answer or demur to the Bill of Complaint in this cause by the 27th day of November, 1926, or after thirty days therefrom a decree pro Confession may be taken against the Defendant.
T. W. Richerson, Register
Shepard
for Plaintiff. 12-4f

Resident, in the case of Nellie K. Rogers, vs. T. Webb Rogers, was published four times in said Fairhope Courier, towit, on the 28th day of October and the fourth, eleventh and eighteenth days of November, 1926

E B Gaston

~~XX~~

Subscribed and sworn to before me this 15th day of December, 1926

Gladys Lawell
Notary Public.

Wells & Rogers

vs

T. Webb Rogers

Filed Dec 17/1924

T. W. Richardson

Register

JOE N. DAVIS
ATTORNEY, ANDERSON COUNTY
PALESTINE, TEXAS



1329

Mellie K. Rogers
vs
J. Webb Rogers
Deposition of witnesses
for Complaint

Mr. J. W. Richerson
Register of the Circuit Court
of Baldwin County

Return Receipt Returned
Fee Paid

Bay Minette
Alaba

Fairhope, Ala., Dec 1 1926

M. J. W. Richerson Webb & Shepard Attys

Bay Minette

IN ACCOUNT WITH

THE FAIRHOPE COURIER

E. B. GASTON, EDITOR AND PUBLISHER

ADVERTISING

Commercial Printing

Oct 28	Notice to non resident Mellie K. Rogers versus J. Webb Rogers - 165 words 4-t @ 4 1/2	7.43
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Rogov

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COMMISSIONER GENERAL

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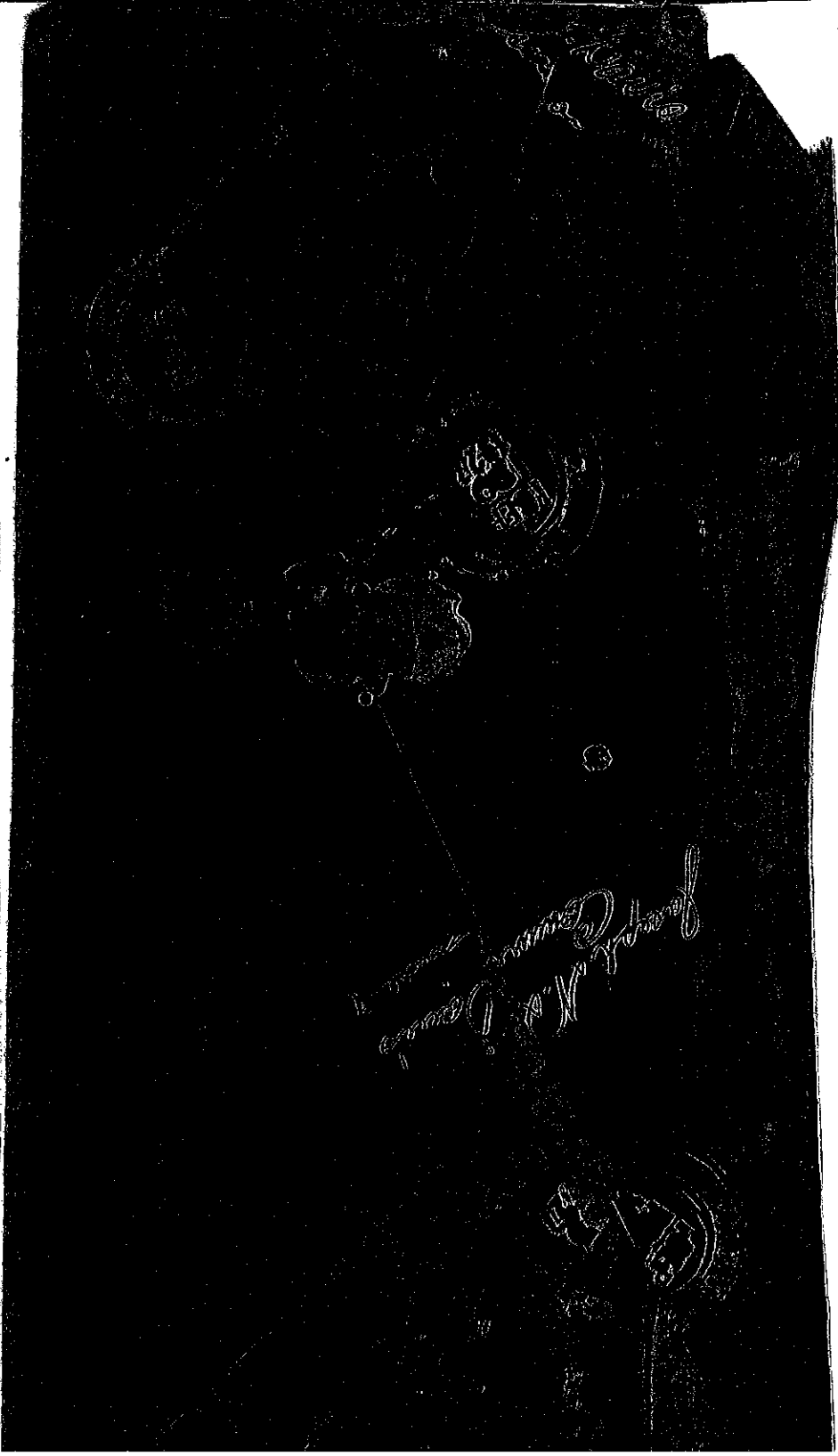
THE YANKOVITZ COMPANY

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1931



JOE N. DAVIS

ATTORNEY, ANDERSON COUNTY
PALESSTONE, TEXAS



1329

Mattie K. Rogers

vs

J. Webb Rogers

*Deposition of witness
for Complainant*

Return Receipt Requested
Per. 12-10

*Mr. J. W. Richardson
Register of the Circuit Court,
of Baldwin County,*

Bay Minette,

Alabama

NELLIE K. ROGERS,
COMPLAINANT.
vs.
T. WEBB ROGERS,
RESPONDENT,

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

INTERROGATORIES TO BE PROPOUNDED TO NELLIE K. ROGERS, A,
WITNESS FOR COMPLAINANT, IN ABOVE ENTITLED COST.

Int. 1. If you are a married woman, give the name of your husband, the date of your marriage, and state whether or not you were both more than twenty-one (21) years of age at the time this suit was filed, also give your residences at the time of the filing of said suit and whether or not you had so resided for more than three (3) years, next preceding, also state as near as you can, your husband's residences at the time said suit was filed.

Int. 2. If a child was born of such marriage, give name, age and residence of same.

Int. 3. State whether or not your husband voluntarily abandoned you and if so when, also whether or not you have lived separately and apart from the bed and board of your husband for five years next before the filing of this bill of complaint and have been without support from him for more than two years, next preceding the filing of said bill and whether or not during said period you were a bonafide resident of the State of Alabama.

Webb & Shepard
SOLICITORS FOR COMPLAINANT.

NOTE

Joseph N. Davis or C. Campbell, attorneys at law, in Palestine, Texas, I suggested as suitable persons to take the testimony of the foregoing witness Nellie K. Rogers, who will be temporarily in Palestine during the week beginning September 26th., 1927.

Webb & Shepard
SOLICITORS FOR COMPLAINANT.

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Filed Sept 15th 1927
D. W. Richardson
Register

[Handwritten signature]

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SEP 15 1927

[Handwritten signature]

The State of Alabama, }
Baldwin County

CIRCUIT COURT.

To Hon Joseph N. Davis or G. Campbell, Palestine Texas,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commission-
er, and by these presents do authorize you, at such time and place as you may appoint, to call before you and
examine Nellie K. Rogers.

as witnesses in behalf of Complaint, in a cause pending in our Circuit
Court of Baldwin County, of said State, wherein

Nellie K. Rogers,

Complainant

and

T. Webb Rogers,

Defendant,

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

Witness 15th day of Sept 1927.

T. W. Robinson

Register.

Commissioners Fee \$

Witness Fee's \$

No.

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT.

Mellie K. Rogers,

Complainant.....

vs.

Webb T. Rogers,

Defendant.....

COMMISSION TO TAKE DEPOSITION
ON INTERROGATORIES.

COMMISSIONER:

Hon Joseph N. Davis or
C. Campbell,

WITNESSES:

Mellie K. Rogers.

NELLIE K. ROGERS,
COMPLAINANT.
vs.

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

T. WEBB ROGERS,
RESPONDENT. DEPOSITION.

Under and by virtue of the commission issued to me out of the Circuit Court of Baldwin County, Alabama, in the cause therein pending, wherein, Nellie K. Rogers, has complainant and T. Webb Rogers, respondent, I caused to come before me, in my office, in Palestine, Texas, on this the 27th day of September, 1927, Nellie K. Rogers, a witness for the complainant, who being by me first duly sworn, did testify as follows:-

1. To the first interrogatory, she saith, I was married to T. Webb Rogers on February 19, 1913; we were both more than twenty-one (21) years of age, at the time this suit was filed and I am a bonafide resident of Fairhope, Baldwin County, Alabama, and was a bonafide resident of said County and State for more than three years, next before the filing of my bill of complaint in this case and at the time I filed said suit, my husband's last address was Idaho Falls, Idaho, but as the letter sent to him there by my attorney was returned, and learning that his mother's address was 1317 Eastman Street, Boise Idaho, and his, 519 A Minna Street, ^{San Fransisco,} my attorney sent him at both addresses a letter of which I enclosed a carbon copy and the enclosures therein mentioned, and the one, addressed to him in California, was returned, uncalled for, and the other one was ^{not and} doubtless received by him.

2. To the second interrogatory, she says, there was born of said marriage, one child, Edward L. Rogers, who was eight (8) years of age at the time of the filing of this suit and whose resides with her mother, at Fairhope, Alabama, Complainants profession as an actress keeping her away from home for a considerable portion of the time.

3. To the third interrogatory, she says, her said husband voluntarily abandoned her on April 12, 1920, and they have never lived together since that time and for more than five (5) years prior to the filing of the bill in this case, she has lived separate and apart from the bed and board of her husband, and has been without support from him for more than two (2) years next preceding filing of this bill of complaint, and she has bonafide resided in the State of Alabama, during said period.

Nellie K. Rogers.

I, commissioner in the said commission named, do further certify that after the foregoing testimony was transcribed it was read over to the witness, Nellie K. Rogers, and was assented ^{to} and signed by her. I do further

certify that I am not of counsel nor of kin to any of the parties to this
suit, nor in any manner interested in the result thereof.

Joseph W. Davis

COMMISSIONER.

December 9, 1926.

Mr. T. Webb Rogers,
1317 Eastman Street,
Boise, Idaho.

Dear Mr. Rogers:

Sometime ago I mailed to you enclosed papers, but the letter was returned unclaimed and I am therefore sending same to what I understand is your mother's address, with the expectation that she will forward same, if it reaches her, and at the same time sending duplicates to what I understand was your last address in San Francisco. Of course it will only be necessary for you to sign one answer. The principal object in doing this was to save time, and some expense, but owing to the uncertainty of my letter reaching you, decided it would be better not to delay publication, and enclose copy thereof, clipped from the Fairhope Courier, a newspaper published at Fairhope, Baldwin County, Alabama, where your wife has been residing for some time. However if you will sign, acknowledge and return enclosed answer promptly, it will not only still save some time, but the decree will become effective sooner, as in cases where service is obtained only by publication, such decree does not become absolute until twelve months after the rendition thereof.

I am enclosing copy of the bill of complaint, in order that you may tell what it is that you are answering, as well as that she is not asking for any alimony, as she would be entitled to do, if she saw fit. As you will observe from said answer, you admit the formal parts of said bill, that is the marriage, age, residence and birth, of a child, but deny the allegations of the third and fourth paragraphs, setting out the grounds for divorce. You may wonder why I did not so frame your answer, as to admit this also, but the reason for doing so, was that our law does not permit the granting of a divorce upon the confession of the parties, and hence it would not have done any good, as she would have been required to prove it anyhow.

While your wife does not ask that you bear any portion of the expense in connection with the getting of this divorce, I have no doubt that she will be pleased if you were willing to bear the whole, or any part thereof, as she has had quite a struggle to support herself and little son, and will continue to do so. I observe that your middle name is Webb. I have been wondering if we are related.

Yours truly,

cc. To 519 A Minns St.,
San Francisco, Calif.