1336

MABEL L. PIPKIN COmplainant VS JOHN W. PIPKIN Respondent	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY.

FINAL DECREE

This cause is submitted for final decree on behalf of the Complainant on the Original Bill of Complaint, Order of Publication, Proof of Publication, Decree Pro Confesso against Respondent and the Testimony as noted by the Register, upon consideration of all of which the Court is of the opinion that the Complainant is entitled to the relief prayed for by her in her said Bill of Complaint, whereupon its therefore ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The bonds of matrimony heretofore existing between the Complainant, Mabel L. Pipkin, and the Respondent, John W. Pipkin, be and they are hereby dissolved and the said Complainant is forever divorced from the said Respondent on the ground of cruelty.

2. The said parties are each hereby permitted to again contract marriage but they shall not marry except to each other until after the expiration of sixty (60) days from the date of this decree and if an appeal is taken within sixty (60) days they shall not marry except to each other during the pendency of said appeal.

3. The Complainant is hereby given and granted the permanent custody and control of the minor child, John W. Pipkin, Jr.

4. The costs of this proceeding are hereby taxed against the Complainant for which execution may issue.

ORDERED, ADJUDGED AND DECREED this the 7th day of February, 1946.

F. W. Hare

Judge

MABEL L. PIPKIN Compleinant VS JOHN W. PIPKIN Respondent		IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY.

NOTE OF TESTIMONY

This cause coming on to be heard on this date is submitted for final decree on behalf of the Complainant on the following:

1. Original Bill of Complaint.
2. Order of Publication.
3. Proof of Publication.
4. Motion for Decree Pro Confesso
5. Decree Pro Confesso. against Respondent.
6. Oral depositions of Mabel L. Pipkin and Nora Richberg, taken before Ora S. Nelson as Commissioner.

Dated this 7th day of February, 1946.

Register

J. B. Blackburn
Solicitor for Complainant.

1336

NOTE OF TESTIMONY

MABEL L. PIPKIN

Complainant

VS

JOHN W. PIPKIN

Respondent

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

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon John W. Pipkin to appear within thirty days from the service of this writ in the Circuit Court to be held for said County, Equity Side, and then and there to plead, answer or demur to the Bill of Complaint filed against him by Mabel L. Pipkin.

WITNESS my hand this 10th day of May, 1945.

Register.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Mabel L. Pipkin, presents this Bill of Complaint against John W. Pipkin, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix is over twenty-one years of age and a resident of Baldwin County, Alabama. The Respondent is over twenty-one years of age and a non-resident of the State of Alabama whose present residence and post office address is Casa Blanca Rest, 1311 North 22nd Street, Tampa, Florida.

2. Your Oratrix and the Respondent were lawfully married in Pensacola, Florida on March 21, 1934 and lived together as man and wife in Baldwin County, Alabama until August 12, 1944, when they separated. They have not lived together since the said date.

3. The Respondent, John W. Pipkin, has become addicted since his marriage to your Oratrix, to habitual drunkeness which caused the separation of the said parties.

4. Your Oratrix is the foster-mother and the Respondent is the foster-father of John W. Pipkin, Jr., a boy eight years of age, who was adopted by the said parties and who is now in the custody and under the control of your Oratrix who is in all respects a fit and proper person to have the permanent custody and control of the said minor.

PRAYER FOR PROCESS

Your Oratrix prays that the usual process of this Honorable Court forthwith issue to the Respondent requiring him to appear and answer, plead to or demur to the Bill of Complaint filed against him in this cause within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Your Oratrix prays for the following separate and

several relief:

1. That the bonds of matrimony now existing between your Oratrix and the said Respondent be dissolved and that she be divorced from him on the ground of habitual drunkeness.

2. That she be given the permanent custody and control of the said minor child, John W. Pipkin, Jr.

3. Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

Mabel L. Pipkin

Oratrix.

J. B. Blackburn

Solicitor for Oratrix.

several relief:

1. That the bonds of matrimony now existing between your Oratrix and the said Respondent be dissolved and that she be divorced from him on the ground of habitual drunkeness.

2. That she be given the permanent custody and control of the said minor child, John W. Pipkin, Jr.

3. Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

Mabel L. Pipkin

Oratrix.

J. B. Blackburn

Solicitor for Oratrix.

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, the undersigned authority within and for said County in said State, personally appeared Mabel L. Pipkin, who, after being by me first duly and legally sworn, deposes and says: That she is the Complainant named in the foregoing Bill of Complaint which has been read over by her and that the facts stated therein are true.

Mabel L. Pipkin

Sworn to and subscribed before me on
this the 10th day of May, 1945.

J. B. Blackburn

Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared Mabel Pipkin, who, after being by me first duly and legally sworn, deposes and says: That she is the complainant in the case of Mabel Pipkin, Complainant, v. John W. Pipkin, Defendant, now pending in the Circuit Court of Baldwin County, Alabama, in Equity; that she attempted to effect service on the said Respondent by Registered mail in the manner provided by law; that the registered package was returned undelivered.

Affiant further deposes and says that the place of residence and post office address of John W. Pipkin is unknown and cannot be ascertained after reasonable effort.

Mabel Pipkin

Sworn to and subscribed before me on this the 25 day of July, 1945.

Ora S. Nelson

Notary Public, State of Alabama at Large.

1336

AFFIDAVIT

MABEL PIPKIN,

Complainant,

VS.

JOHN W. PIPKIN,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Filed
2-25-45
R.S. Veuck
Register

STATE OF ALABAMA |
BALDWIN COUNTY |

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon John W. Pipkin to appear within thirty days from the service of this writ in the Circuit Court to be held for said County, Equity Side, and then and there to plead, answer or demur to the Bill of Complaint filed against him by Mabel L. Pipkin.

WITNESS my hand this 10th day of May, 1945.

R L Deck

Register.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Mabel L. Pipkin, presents this Bill of Complaint against John W. Pipkin, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix is over twenty-one years of age and a resident of Baldwin County, Alabama. The Respondent is over twenty-one years of age and a non-resident of the State of Alabama whose present residence and post office address is Casa Blanca Rest, 1511 North 22nd Street, Tampa, Florida.

2. Your Oratrix and the Respondent were lawfully married in Pensacola, Florida on March 21, 1934 and lived together as man and wife in Baldwin County, Alabama until August 12, 1944, when they separated. They have not lived together since the said date.

3. The Respondent, John W. Pipkin, has become addicted since his marriage to your Oratrix, to habitual drunkeness which caused the separation of the said parties.

4. Your Oratrix is the foster-mother and the Respondent is the foster-father of John W. Pipkin, Jr., a boy eight years of age, who was adopted by the said parties and who is now in the custody and under the control of your Oratrix who is in all respects a fit and proper person to have the permanent custody and control of the said minor.

PRAYER FOR PROCESS

Your Oratrix prays that the usual process of this Honorable Court forthwith issue to the Respondent requiring him to appear and answer, plead to or demur to the Bill of Complaint filed against him in this cause within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Your Oratrix prays for the following separate and

several relief:

1. That the bonds of matrimony now existing between your Oratrix and the said Respondent be dissolved and that she be divorced from him on the ground of habitual drunkeness.

2. That she be given the permanent custody and control of the said minor child, John W. Pipkin, Jr.

3. Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

MABEL L. PIPKIN

Oratrix.

J. B. BLACKBURN

Solicitor for Oratrix.

STATE OF ALABAMA |
BALDWIN COUNTY |

Before me, the undersigned authority within and for said County in said State, personally appeared Mabel L. Pipkin, who, after being by me first duly and legally sworn, deposes and says: That she is the Complainant named in the foregoing Bill of Complaint which has been read over by her and that the facts stated therein are true.

Mabel L. Pipkin

Sworn to and subscribed before me on
this the 10th day of May, 1945.

J. B. Blackburn

Notary Public, Baldwin County, Alabama.

(Vol.)

1231

BILL OF COMPLAINT

MABEL L. PIPKIN,

complainant,

vs.

JOHN W. PIPKIN,

respondent.

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

Filed May 10 1945

(Copy)

1336

BILL OF COMPLAINT

MABEL L. PIPKIN,

Complainant,

VS.

JOHN W. PIPKIN,

Respondent.

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

Filed May 10 1945
R. Deech
Register

Mabel L. Pipkin

AMELIA TO ENTER
ENTER TO
WITHOUT NOTICE
Before me, the undersigned, a Notary Public in and for said County in said State, personally appeared Mabel L. Pipkin, complainant, who being first duly sworn, on oath, says that the facts set forth in the foregoing bill of complaint are true and correct to the best of her knowledge, information and belief.

Mabel L. Pipkin

Sworn to and subscribed before me this the 10th day of May, 1945.

R. E. Deech
Notary Public, Baldwin County, Alabama

ORDER OF PUBLICATION

MABEL L. PIPKIN, Complainant, VS. JOHN W. PIPKIN, Respondent.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

It being made to appear in this cause from the affidavit of the Complainant that the residence and post office address of the Respondent, John W. Pipkin, is unknown and cannot be ascertained after diligent inquiry.

IT IS THEREFORE Ordered, Adjudged and Decreed that the said John W. Pipkin appear in this Court and demur, plead to or answer the Bill of Complaint in this cause before the 3rd day of September, 1945, or at the expiration of thirty days thereafter a Decree Pro Confesso will be taken against him.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court have this order published with as little delay as may be in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks and further that within twenty days from the making of this order he post a copy hereof at the front door of the Court House of Baldwin County, Alabama.

ORDERED, ADJUDGED AND DECREED this 25th day of July, 1945.

R. C. DUCK, Register
Circuit Court of Baldwin County,
Alabama in Equity.

J. B. BLACKBURN
Solicitor for Complainant.

BALDWIN TIMES:

Please publishethe above notice once a week for four successive weeks, making your first publication in your issue of July 26, 1945. After you have completed publication please send bill, together with proof of publication to the Register of the Circuit Court.

JBB

1336

ORDER OF PUBLICATION

MABEL L. PIPKIN,

Complainant,

VS.

JOHN W. PIPKIN,

Respondent.

Eq. No. [illegible]

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed
7-25-45
R.S. Hook
Register

MABEL L. PIPKIN, Complainant, VS. JOHN W. PIPKIN, Respondent.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

MOTION FOR DECREE PRO CONFESSO

Now comes the Complainant, by her solicitor, and respectfully represents that the Order of Publication heretofore made in this cause and dated July 25, 1945, was published once a week for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issuesof the said paper published on July 26, 1945, August 2, 1945 and August 15, 1945, which notice required that the Respondent appear within thirty days after September 3, 1945 and plead, answer or demur to the Bill of Complaint filed against him in this cause or that at the expiration of thirty days thereafter a Decree Pro Confesso would be taken against him and that more than thirty days have expired since September 3, 1945, and that the said Respondent has to date hereof, failed to appear and plead to, answer or demur to the Bill of Complaint filed against him herein, WHEREFORE Complainant moves the Register to make and enter a Decree Pro Confesso against the said Respondent.

Dated this 22nd day of October, 1945.

J. B. Blackburn

Solicitor for Complainant.

MOTION FOR DECREE PRO CONFESSO

MABEL L. PIPKIN,

Complainant,

VS.

JOHN W. PIPKIN,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed Oct 22. 1945.

R. H. Welch

MABEL L. PIPKIN, Complainant, VS. JOHN W. PIPKIN, Respondent.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

DECREE PRO CONFESSO

In this cause it appears to the Register that the Order of Publication heretofore made in this cause was published for four weeks commencing on the 26th day of July, 1945, in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, that a copy of the said Order was posted at the Court House door of Baldwin County, Alabama on the 26th day of July, 1945 and it further appearing to the Register that the said Respondent, John W. Pipkin, has to the date hereof failed to plead, answer or demur to the Bill of Complaint in this cause it is therefore, on motion of the 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 Respondent, John W. Pipkin.

WITNESS my hand this 22nd day of October, 1945.

R L Deason

Register.

DECREE PRO CONFESSO

MABEL L. PIPKIN,

Complainant,

VS.

JOHN W. PIPKIN,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

COMMISSION TO TAKE DEPOSITIONS

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court

To Ora S. Nelson

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 Mabel L. Pipkin and Nora Richberg

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Mabel L. Pipkin

is Complainant

and John W. Pipkin

is Respondent

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

Witness 24 day of September, 1945

R. Hieck

Register

Commissioner's Fee, $

Witness' Fees, $

No. 1836

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

MABEL L. PIPKIN

Complainant

VS.

JOHN W. PIPKIN

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

ORA. S. NELSON

WITNESSES:

MABEL.L. PIPKIN

NORA RICHBERG

ORAL DEPOSITION

Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

MABEL L. PIPKIN, Complainant

VS.

JOHN W. PIPKIN, Respondent

I, Ora S. Nelson
as ~~Register and~~ Commissioner
have called and caused to come before me Mabel L. Pipkin

witness named in the Requirement for Oral Examination, on the 22nd day of October 1945, at the office of J. B. Blackburn, in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said _____ doth depose and say as follows:

TESTIMONY OF MABEL L. PIPKIN

My name is Mabel L. Pipkin. I am over twenty-one years of age and reside at Bay Minette, Alabama where I have resided practically all of my life and where I have resided continuously for one year next preceding the filing of this suit.

The Defendant, John W. Pipkin, is a non-resident of the State of Alabama whose place of residence and post office address at the time this suit was filed was Casa Blanca Rest, 1311 North 22nd Street, Tampa, Florida.

I was lawfully married to the Respondent, John W. Pipkin, in Pensacola, Florida, on March 21, 1934, and we lived together as man and wife in Baldwin County, Alabama until August 12, 1944 when we separated. We have not lived together since the said date.

The Respondent, John W. Pipkin, has become addicted since his marriage to me to habitual drunkeness. Since we were married and before we separated he was under the influence of intoxicating liquors or beverages for the greater part of the time and was drunk practically every day.

I am the foster mother and John W. Pipkin is the foster father of John W. Pipkin, Jr., a boy eight years of age who was adopted by us and who is now under my custody and control. I am in all respects a fit and proper person to have the custody and control of the said minor. The Respondent, John W. Pipkin, is not a fit and proper person to have the custody and control of the said minor because of the fact that he is under the influence of intoxicating liquors or beverages the greater part of his time.

Mabel L. Pipkin

ORAL EXAMINATION.

I, Ora S. Nelson, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the wc of the witness ES and read over to THEM and THEY signed the same in the presence of myself J. B. BLACKBURN at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ES or had proom 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 22nd day of October, 1945.

Ora S. Nelson (L. S.)

NO. 1886 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Mabel T. Pitman

vs. Complainant

John W. Pitman

Respondent.

Oral Deposition

Filed October 25th, 1945
R. S. Vollmer, Register.

Recorded in Record

Vol. Page

, Register.

My name is Nora Richburg. I am a resident of Bay Minette, Alabama where I have resided practically all of my life. I am the mother of the Complainant, Mabel L. Pipkin.

The Respondent, John W. Pipkin, became addicted after his marriage to my daughter to habitual drunkeness. For more than one year prior to the time they separated John W. Pipkin was drunk more than he was sober and hardly a day passed when he was not under the influence of liquor.

My daughter has always carried for the minor child, John W. Pipkin, Jr., and is capable of continuing to care for him. It is to the best interest of the child that he be placed in the custody and under the control of the Complainant, Mabel L. Pipkin. John W. Pipkin, because of his drinking, is not a proper person to have the custody and control of the said child.

Mrs Nora Richburg

1336

JAMES H. FAULKNER
EDITOR AND PUBLISHER

the BALDWIN TIMES

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER

BAY MINETTE, ALABAMA

Pending

MABEL L. PIPKIN, Complainant
vs.
JOHN W. PIPKIN, Respondent.
In the Circuit Court of Baldwin County, Alabama In Equity

It being made to appear in this cause from the affidavit of the Complainant that the residence and post office address of the Respondent, John W. Pipkin, is unknown and cannot be ascertained after diligent inquiry.

IT IS THEREFORE ORDERED, Adjudged and Decreed that the said John W. Pipkin appear in this Court and demur, plead to or answer the Bill of Complaint in this cause before the 3rd day of September, 1945, or at the expiration of thirty days thereafter a Decree Pro Confesso will be taken against him.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Register of this Court have this order published with as little delay as may be in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks and further that within twenty days from the making of this order he post a copy hereof at the front door of the Court House of Baldwin County, Alabama.

ORDERED, ADJUDGED AND DECREED this 25th day of July, 1945.

R. S. DUCK, Register
Circuit Court of Baldwin County, Alabama in Equity.
J. B. BLACKBURN,
Solicitor for Complainant.
26-4tc

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Ford Cook, 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 Notice of Complaint

COST STATEMENT

210 WORDS @ 4½ cents . . . . . $ 9.45

I hereby certify this is correct, due and unpaid (~~paid~~).

Ford Cook
Publisher.

Was published in said newspaper for ____ consecutive weeks in the following issues:

Date of 1st publication July 26, 1945 Vol. 56 No. 26
Date of 2nd publication Aug. 2, 1945 Vol. 56 No. 27
Date of 3rd publication Aug. 9, 1945 Vol. 56 No. 28
Date of 4th publication Aug. 15, 1945 Vol. 56 No. 29

Subscribed and sworn before the undersigned this ____ day of ____ 194____.

Notary Public, Baldwin County.

Ford Cook
Publisher.

1836