

(1348)

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

FRED SPALLER

Complainant

VS.

MARTHA SPALLER

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication 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 Fred Spaller is forever divorced from the said Martha Spaller

for and on account of 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 again 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 the payment of the cost of this suit.

It is further ordered that Fred Spaller the Complainant pay the cost herein to be taxed, for which execution may issue.

This 5<sup>th</sup> day of September, 1945

J. M. Hall  
Judge Circuit Court, in Equity.

I, \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Register of Circuit Court, in Equity

No. \_\_\_\_\_ Page \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent

**DIVORCE DECREE**

Filed this \_\_\_\_\_ day of

\_\_\_\_\_, 194\_\_\_\_

Register

R. S. DUCK

Register and  
Clerk

Of The  
Circuit Court



**BALDWIN COUNTY**

RAY MINETTE, ALA.

State of Alabama  
Baldwin County

Before Me the undersigned authority within said State and County personally Appeared W. E Hawkins who on oath desoposes and says that he is the Solicitor for the Complainant Fred Spaller in the case of Fred Spaller vs Martha Spaller and to the best of his knowledge and belief that the Respondent; Martha Spaller is a Non resident of the State of Alabama, and her whereabouts is unknown and cannot be ascertained after diligent search and inquiry

W. E. Hawkins  
Sworn to and Subscribed before me this 8th day of June 1945

R. S. Duck  
Clerk Circuit Court Baldwin County Ala.

1349

POSTAGE

NO. 10

Post Office

Post Office

NO. 10



POSTAGE WILL BE PAID BY ADDRESSEE

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Approved as to contents

John J. ... 1945  
John J. ...  
John J. ...

S. P. Allen  
S. P. Allen

THE STATE OF ALABAMA,  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

FRAD SPALLER

Complainant

VS.

MARTHA SPALLER

Respondent

I, R. S. Duck.

as Register and Commissioner

have called and caused to come before me Frank Spaller  
and Bama Spaller

witness named in the Requirement for Oral Examination, on the 1st day of Sept.  
1945, at the office of R S Duck  
in Bay Minette, Alabama, and having first sworn said Witness es to speak the  
truth, the whole truth, and nothing but the truth, the said \_\_\_\_\_  
doth depose and say as follows:

My name is Frank Spaller. Frad Spaller the complainant in this cause is my  
my brother, and Martha Spaller is the wife of Frad Spaller. Frad Spaller and Martha  
Spaller were married in Wisconsin in Nineteen hundred and Seven. Both Frad Spaller and  
Martha Spaller are over the age of Twenty-one years. Frad Spaller and his wife came  
to Baldwin County, in Nineteen Thirty Nine, and Martha Spaller stayed in Baldwin County  
about three days, and lived with her husband while here. She then refused to stay here  
and left Alabama and refused to come back to her husband, And said she wouldn't  
live with him in Alabama. This voluntary separation occurred in Nineteen Thirty Nine.  
Since Nineteen Thirty Nine Frad Spaller has not heard from Martha Spaller and he does  
not know her address, and I believe she is a non-resident of Alabama. Frad Spaller the  
Complainant has been a bona fide resident of Baldwin County, Alabama for more than two  
years next before the filing of complaint in this cause. Frad Spaller has been living with  
me at Stapleton Alabama for more than two years next before the filing of this complaint in  
this cause, except a part of the year he works in Tennessee., But he considers Stapleton his  
home. I know of my own personally knowledge that the voluntarily separation of Martha  
Spaller was wholly without fault of Frad Spaller.

Frank Spaller

~~My name is Bama Spaller. I know the above testimony read over to me  
and I know that the statement of Frank Spaller is true.~~

My name is Bama Spaller, I know Fred Spaller and I know that  
he and Martha Spaller have not lived together as man and wife since  
1939. Martha Spaller came to Baldwin County in 1939 and Staid about  
Three days she said she was not going to live with him any longer  
and left and has not been back since. ~~Frad Spaller~~

Bama Spaller

ORAL EXAMINATION.

I, R. S. Duck, as Register and Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness~~es~~ and read over to them—and—~~they~~ signed the same in the presence of myself W. H. Hawkins 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 1st day of Sept., 1945.

R. S. Duck (L. S.)

NO. 1349 PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

~~Esso~~ Fred Spaller

vs. Complainant

Martha Spaller

Respondent.

Oral Deposition

Filed Sept. 1st 1945

R. S. Duck, Register.

Recorded in

Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

# The BALDWIN Times

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER  
BAY MINETTE, ALABAMA

## 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 Non-Resident  
Fred Spaller  
vs  
Martha Spaller

**NOTICE TO NON-RESIDENT**  
FRED SPALLER, Complainant,  
vs. No. 1349  
MARTHA SPALLER, Respondent.  
The State of Alabama  
Baldwin County  
Circuit Court in Equity  
This the 8th day of June, 1945  
In this cause it being made to appear to the Clerk of this Court by the affidavit of W. H. Hawkins, that the Defendant, Martha Spaller, is a non-

resident of the State of Alabama, 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 the said Martha Spaller to answer or demur to the Bill of Complaint in this cause by the 16th day of July, 1945, or after thirty days therefrom a decree Pro Confesso may be taken against her.

R. S. DUCK, Register.  
W. H. HAWKINS,  
Solicitor for Complainant. 20-etc

### COST STATEMENT

159 WORDS @ 4 1/2 cents ..... \$ 7.15

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

Ford Cook  
Publisher.

Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication June 14, 1945 Vol. 56 No. 20  
Date of 2nd publication " 21, 1945 Vol. 56 No. 21  
Date of 3rd publication " 28, 1945 Vol. 56 No. 22  
Date of 4th publication July 5, 1945 Vol. 58 No. 23

Subscribed and sworn before the undersigned this \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_\_

Notary Public, Baldwin County.

Ford Cook  
Publisher.

12 50  
2 15  
19 5 25

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VS.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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, on Publication and  
Testimony of Frank Spaller and Bama Spaller~~

and in behalf of Defendant upon \_\_\_\_\_

W. H. Hawkins Solicitor  
for Complainant *W. H. Hawkins* Register.



No. 1349

The State of Alabama,  
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Ed Spaller

VS.

Martha Spaller

NOTE OF TESTIMONY

Filed in Open Court this 1st  
day of Sept 1945

Redner  
Register.

Bill of Complaint.

Fred Spaller, Complainant.

vs.

Martha Spaller, Respondent.

Circuit Court of Baldwin County,  
Alabama, In Equity. 1348

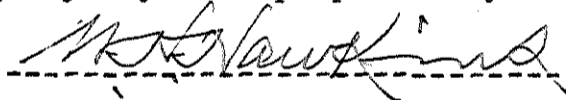
To the Hon. F. W. Hare, Judge of the 21st. Judicial Circuit:

Your complainant, Fred Spaller, respectfully represents un to your Honor, that he and respondent Martha Spaller were married in Wisconsin in 1907 and in 1939, she refused to come to Alabama, to reside with complainant, and that since the separation in 1939, he has never heard from her, and he does not know her address and by failing to come and live with complainant, she has voluntarily abandoned him.

That both your complainant and respondent are over the age of 21 years. That your complainant has been a bona fide resident of Baldwin County, Alabama for more than two years next before the filing of the bill of complaint in this cause. That your complainant lives with his brother Frank Spaller, at Stapleton, Alabama, but works part of the year in Tennessee, but he considers Stapleton, Alabama, his home.

That the residence of Martha Spaller is unknown, but she is believed to be a non-resident of Alabama.

Premises considered, complainant requests that Martha Spaller, the respondent, be made a party to this cause by proper process, and that publication be made as required by law for non-residents, and that on proper proof, your complainant may be granted an absolute divorce from respondent, and that he be permitted to marry again, and for such and other and further relief, as in equity may seem proper and your complainant will ever pray etc.



Solicitor for Complainant.

1349

Fred Spaller, Compl't.

vs.

Martha Spaller, Respondent.

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Bill for divorce.  
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RECORDED

W. H. Hawkins, Solicitor

for complainant.

Filed June 8 1948  
Hawkins

NOTICE TO NON-RESIDENT

TIMES PRINTING CO., BAY MINETTE

Fred Spaller

No. 1349

vs.  
Martha Spaller

The State of Alabama,

Baldwin County.

Circuit Court, in Equity

This the 8th day of

June, 1945

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

W H Hawkins

that the Defendant Martha Spaller

is a non-resident of the State of Alabama

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 the said Martha Spaller

to answer or demur to the Bill of Complaint in this cause by the 16th day of July 1945, or after thirty days therefrom a decree Pro Confesso may be taken against Her.

W H Hawkins  
Solicitor fo Complainant



Register.

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. ~~1349~~ August, Term, 1945

Ferd Spaller

Complainant

Vs.

Martha Spaller

Defendant

Motion is hereby made for a Decree Pro Confesso against Martha Spaller

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 17th day of August 1945

746 Code



Solicitor.

No. 1349

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The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

~~vs~~ Fred Spaller

Complainant \_\_\_\_\_

Vs.

Martha Spaller

Defendant \_\_\_\_\_

Motion for Decree Pro Confesso  
on Publication

Filed August 17th 19 45

*R. Decker*

Register.

Recorded in \_\_\_\_\_ Record

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Register.

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 1349 August, Term, 19 45

~~Fred~~  
~~Fred~~ Spaller

Complainant

Vs.

Martha Spaller

Defendant

In this cause it appears to the Register R S Duck. that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 14 day of June, 1945, 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 8th day of June 1945 and

And it now further appearing to the Register R. S. Duck that the said

Martha Spaller

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 R. S. Duck

that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Martha Spaller

This 17th day of August

R. S. Duck

19 45  
Register.

RECORDED

No. 1349 Page \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Frad Spaller

Vs.

Martha Spaller

Decree Pro Confesso of Publication

Issued August 17th 19 45

*R. H. Mack*

Register.

Recorded in \_\_\_\_\_ Record

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Register.

1349