

The State of Alabama, { No. 787. Circuit Court, in Equity. Baldwin County.

Clyde E. Rutherford, Complainant

vs.

Estelle A. Rutherford, 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 adultery on the part of Estelle A. Rutherford.

[Dotted lines for additional text]

It further orderd, that the said Clyde E. Rutherford, be, and he is hererby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Clyde E. Rutherford, 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

Estelle A. Rutherford,

It is further ordered, adjudged and decreed that said Clyde E. Rutherford, shall not again marry except to said Estelle A. Rutherford, until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Estelle A. Rutherford,

during the said pendency of appeal

This 23rd day of February 1929:

[Signature]

Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA, { Circuit Court, in Equity. Baldwin County.

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 1929, 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 1929

Register

RECORDED
Moore Printing Co. Bay Minette, Ala.

E. O. M.

Register.

day of *September*, 192*9*

Filed in office this *23rd*

DECREE OF DIVORCE.

Estelle A. Rutherford

vs.

Olyde A. Rutherford

CIRCUIT COURT, IN EQUITY,
BALDWIN COUNTY, ALA.

THE STATE OF ALABAMA
BALDWIN COUNTY

NO. *737*

8581 NOTE OF TESTIMONY

Clyde E. Rutherford,

vs.

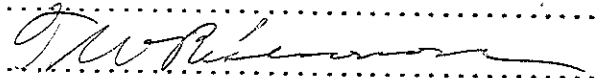
Estelle A. Rutherford,

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 Clyde E. Rutherford, O.L.
Vaughn and P.A. Rutherford.

and in behalf of Defendant upon



Register.

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787
No. -----

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Clyde E. Rutherford,

VS

Estelle A. Rutherford,

NOTE OF APPOINTMENT

Filed in Open Court this 22nd
day of February 1929

Geo. R. ...
Register

The State of Alabama, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 787 Vacation Term, 1929

Clyde S. Rutherford, Complainants

vs.

Estelle S. Rutherford, Defendants

Motion is hereby made for a Decree Pro Confesso against

Estelle S. Rutherford, 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 19th day of February 1929

A. H. Covatt and W. H. Hawkins,

746 Code.

Solicitor.

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STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Clyde S. Autherford,

Complainants.

Vs.

Estelle A. Autherford.

Defendants.

MOTION FOR DECREE PRO
CONFESSO ON PUBLICATION.

Filed February 18th 1929

J. W. Peterson

Register.

Recorded in Record,

Vol. Page

Register.

787

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
No. 787 Vacation Term, 1929

Clyde E. Rutherford, Complainant

vs. Estelle A. Rutherford, Defendant

In this cause it appears to the Register that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 20th day of December, 1929, in the Baldwin Times, a newspaper published in Bay Minette, Baldwin Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 20th day of December 1929, &&&

And it now further appearing to the Register, that the said Estelle A. Rutherford,

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

that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Estelle A. Rutherford,

This 20th day of February 1929

[Signature]

Register

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No. 787 Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Clyde S. Rutherford
~~ESTELLE A. RUTHERFORD~~

vs.

Estelle A. Rutherford,

DECREE PRO CONFESSO
OF PUBLICATION

Issued February 20th 1929

W. R. Peterson
Register

Recorded in Record

Vol. ~~1000~~ Page

Register

The State of Alabama,
Baldwin County.

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

Clyde E. Rutherford Complainant.

VS.

Estelle A. Rutherford Respondent.

I, T.W. Richerson

as Register and Commissioner

have called and caused to come before me Clyde E. Rutherford, O.L. Vaughn

and P.A. Rutherford.

witnesses named in the Requirement for Oral Examination, on the 21 day of February

1929, at the office of Register

in Bay Minette, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said ~~Clyde E. Rutherford~~

witnesses doth depose and say as follows:

Clyde Rutherford, the Complainant who being duly sworn testified as follows:-

My name is Clyde E. Rutherford and I am the Complainant in this cause; I am a bona fide resident of the State of Alabama and have been such a bona fide resident for more than seven years next before the filing of the Bill of Complaint in this cause.

I was married to the Defendant Estelle A. Rutherford on August 15th., 1928 and we lived together as man and wife until December 4th., 1928. On December 4th., 1928 I was informed by Mr. Oscar Vaughn that my wife, Estelle A. Rutherford was not the right kind of woman for my wife and when I asked him how he knew this he said by experience; that he had had sexual intercourse with her

himself. I was also informed that Eable Morris and Fletcher Rutherford had also had sexual intercourse with my wife, Estelle A. Rutherford. After I learned of these acts of adultery I never lived with my wife nor admitted her to conjugate embraces and neither was these acts ~~xxx~~ of adultery committed with my consent nor my knowledge neither have I condoned this adultery on her part and since I learned of these acts of adultery which was about December 4th., 1928 I have ^{not} lived with her as man and

Wife. I always treated my wife as a husband should and never gave her any cause whatever to act as she did. I do not know where Estelle A. Rutherford resides, but I have been informed and believe that she is a non-resident of the State of Alabama, but her residence is unknown by me.

Oscar Vaughn, witness for the *Clyde E. Rutherford* Complainant who being duly

sworn testified as follows:-

My name is Oscar Vaughn. I know Clyde E. Rutherford and Estelle A. Rutherford. I know that Clyde E. Rutherford is a bona fide resident of ~~Baldwin~~ Baldwin County, Alabama, and has been such bona fide resident for about seven years. On the 24th. day of October, 1928, I had sexual intercourse with the Defendant, Estelle A. Rutherford and Earle Morris told me that he had also had sexual intercourse with her. On December 4th., 1928, after Estelle A. Rutherford had left her husband, I told the Complainant, Clyde E. Rutherford, that his wife was not the right kind of woman for a wife, and I also told him at the same time that I had had sexual intercourse with her in October, 1928. I do not think that Estelle A. Rutherford has ever returned to her husband, Clyde Rutherford as I have never seen her at his house since she left on December 4th., 1928, although I pass by Clyde's house six or seven ~~xxxxxxx~~ times every day except Sunday, hauling tar wood, and it is my belief that they have never lived together as man and wife since she left on December 4th., 1928.

Oscar Vaughn

P. A. Rutherford, witness for the Complainant, who being duly sworn, testified as follows:-

My name is P. A. Rutherford. I know Clyde E. Rutherford and Estelle A. Rutherford. I am the father of Clyde E. Rutherford, the Complainant. Clyde E. Rutherford and Estelle A. Rutherford were married on or about August 15th., 1928 and lived together as man and wife until December 4th., 1928. I never did see any actual adultery on the part of Estelle A. Rutherford, but in her carrying on with other men I felt sure that acts of adultery were carried on by her with other men. On one occasion I saw her ~~playing~~ having her hand on the privates.

of Fletcher Rutherford, her brother-in-law and she left her door open and sometime she would be half clothed and sometime she would have her dress pulled up to her waist and the men folks on the place were passing the door most of the time. On one occasion I saw her with Oscar Vaughn in a compromising attitude. I know that Estelle A. Rutherford never has returned to her husband, Clyde E. Rutherford as he lives with me and neither Clyde nor myself have ever heard of her since she left. I do not know where she went or what became of her.

P. A. Rutherford

ORAL EXAMINATION.

I, T.W. Richerson, as Register and Commissioner hereby certify that the foregoing deposition s. 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 W H Hawkins 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 21st day of February 1929

T.W. Richerson (L. S.)

NO. 787

PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Delgado E. Newcomb

vs. Complainant

Estelle A. Newcomb

Respondent.

Oral Deposition

Filed

Feb 21 1929

T.W. Richerson Register.

Recorded in

Record

Vol.

Page

Register

NOTICE TO NON-RESIDENT.

Moore Ptg. Co—Bay Minette.

Clyde E. Rutherford	} The State of Alabama, Baldwin	County.
Complainant.		
No.	} Circuit Court, in Equity.	19th
Estelle E. A. Rutherford		
vs.	} This the _____ day of	December 8
Defendant.		
		, 192

Register
XXX

In this cause it being made to appear to the Clerk of this Court by the affidavit of W. H. Hawkins, Solicitor for Complainant

.....
.....
Estelle A. Rutherford
that the Defendant

.....
.....
and her residence is not known.
is a non-resident of the State of Alabama

XX
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 publish-
ed in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring
Estelle A. Rutherford
the said

.....
.....
20th
to answer or demur to the Bill of Complaint in this cause by the _____ day of
January 9
192 .., or after thirty days therefrom a decree Pro Confesso may be
her
taken against

W. H. Hawkins,
A. H. Crovatt

Solicitors for complainant.

W. R. Robinson
Register.

Fixed Deposit 19/12/29
Dr. P. P. P. P. P.
Register

R. B. VAIL
EDITOR AND PROPRIETOR

BAY MINETTE, ALA.

ALFIDAVIT 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

Estelle A. Rutherford vs. Estelle A. Rutherford

...the amount of interest which may be...
...increasing amount of interest...
...truck to market while there is an...
1928...
...Clyde E. Rutherford...
vs. Estelle A. Rutherford...
In this cause it being made to ap...
pear to the Register of this Court by...
the affidavit of W. H. Hawkins, Solicit...
or for Complainant that the De...
fendant Estelle A. Rutherford is a non...
resident of the State of Alabama and...
her residence is not known; it is there...
fore 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...
Estelle A. Rutherford to answer or...
demur to the Bill of Complaint in...
this cause by the 20th day of Janu...
ary, 1929, or after thirty days there...
from a decree Pro Confesso may be...
taken against her.
T. W. RICHESON
Register
W. H. Hawkins, & A. H. Crovatt.
Solicitors for complainant 47-48.

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

issues:

Date of first publication	<u>December 20 - 1928</u>	Vol. <u>39</u>	No. <u>47</u>
Date of second publication	<u>December 27 - 1928</u>	Vol. <u>39</u>	No. <u>48</u>
Date of third publication	<u>January 3 - 1929</u>	Vol. <u>39</u>	No. <u>49</u>
Date of fourth publication	<u>January 10 - 1929</u>	Vol. <u>39</u>	No. <u>50</u>

Subscribed and sworn to before the undersigned this 10 day of

January 1929
T. W. Richeson
Clark Crovatt, Clerk

R. B. Vail
Publisher.

FOR ANY SERVICE NOT COVERED BY THESE REGULATIONS, CONTACT THE POST OFFICE AT THE ADDRESS ABOVE.

U.S. AIR MAIL

POSTAGE WILL BE PAID BY ADDRESSEE

COMMUNICATIONS SECTION

Rutherford
AS
Rutherford

Filed June 10/1929
J W Rice
Register

RECEIVED
JUN 10 1929
U.S. AIR MAIL
COMMUNICATIONS SECTION
POST OFFICE AT THE ADDRESS ABOVE

Clyde E. Rutherford, Complainant.

Vs.

Circuit Court of Baldwin County

Estelle A. Rutherford, Defendant.

In Equity.

To the Honorable John D. Leigh, Judge of the Circuit Court:

First.

Complainant respectfully represents that he is a bona fide resident of Baldwin County, Alabama, and has been such resident for more than one year next preceding the filing of this bill of complaint, and that defendant, Estelle A. Rutherford, is a non resident of the State of Alabama and her residence is unknown, but she stated that she was going to Mississippi, but did not state what point in that State. Neither complainant and defendant are over the age of 21 years.

Second.

That on to-wit:- August 15, 1928 complainant was married to defendant and that they lived together as man and wife until December 4, 1928.

Third.

That during the month of October 1928, defendant committed adultery with Oscar Vaughn, Earl Morris and Fletcher Rutherford. That these acts of adultery was not committed with the consent of complainant nor with his knowledge, and that he has ^{not} condoned this adultery on the part of his wife, nor admitted her to conjugal embraces, after he knew of the commission of the acts of adultery, which said knowledge came to him on or about December 4, 1928, since which date he has not lived with her as man and wife.

Premises considered, complainant prays ^{that} Estelle A. Rutherford be removed as defendant to this cause by sufficient process as required by law. ~~upon final hearing your Honor will grant complainant a decree of absolute divorce from the said Estelle A. Rutherford, and that your complainant be permitted to marry again, and that such other and further relief may be granted to complainant as your honor may deem proper, and complainant will ever pray etc.~~

W. H. Lawrence
A. N. Proctor

Solicitors for Complainant.

Foot note:- Defendant is required to answer each and every paragraph of this complaint, but not under oath, oath to same being hereby waived.

W. H. Lawrence
A. N. Proctor

Sols for C

Affidavit of Non Residence.

State of Alabama,

Baldwin County.

Personally appeared before me, T. W. Richerson, Register of the Circuit Court, W. H. Hawkins, who on oath states that he is one of the solicitors for complainant in the cause of Clyde E. Rutherford vs. Estelle A. Rutherford, that he is informed and verily believes that Estelle A. Rutherford is a non-resident of the State of Alabama; that when she left Foley, Alabama, she stated that she was going to Mississippi, but did not state to what point she was going, and it is the belief of affiant that she is a non-resident of Alabama, but her address is unknown. From information of affiant, she is not over the age of 21, but is under the age of 21 years.

W. H. Hawkins
Solicitor for Compt.

Sworn to and subscribed before me this the 19th. day of December 1928.

T. W. Richerson

Register.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 787

Vacation

Term, 192 9

Clyde E. Rutherford

, Complainant

vs.

Estelle A. Rutherford,

, 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 A. H. Crovatt and W. H. Hawkins,

..... 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.

A. H. Crovatt &
W. H. Hawkins,

.....
Solicitor for Complainant.

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THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Clyde E. Rutherford,

VS.

Estelle A. Rutherford,

REQUEST FOR DECREE IN
VACATION

FILED Feb 22nd 1929

W. R. [Signature]

Register

RECORDED

RECORDED IN RECORD

VOL. PAGE

Register