

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 794

Spring

Term, 1929

Will Kennedy, Complainant

vs.

Hattie Knight Baldwin, 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 Edward P. Totten

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.

Edward P. Totten  
Solicitor for Complainant.

**RECORDED**

No. 794

Page

THE STATE OF ALABAMA  
BALDWIN COUNTY  
CIRCUIT COURT, IN EQUITY

Will Kennedy

vs.

Hattie Knight Baldwin

REQUEST FOR DECREE IN  
VACATION

FILED

1929

Register

RECORDED IN RECORD

VOL. PAGE

Register

Will Kennedy, )  
Complainant, )  
Vs. )  
Hattie Knight, )  
Respondent. )

IN THE CIRCUIT COURT,

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

This cause coming on to be heard is submitted for final decree on the pleading and proof as noted by the Register, and from a consideration thereof I am of the opinion that Complainant is entitled to the relief prayed.

It is, therefore, ordered, adjudged and decreed by the Court that the purported marriage heretofore entered into by and between Complainant and Respondent be, and same hereby is, annulled, vacated and held for naught, and the Complainant, Will Kennedy, is released and discharged from any and all duties, obligations and responsibilities of such void marriage.

It is further ordered, adjudged and decreed that the Complainant pay the costs of this proceeding, for which let execution issue.

Done at Chambers at Monroeville, Alabama, this 3rd. day of May, 1929.

F. W. Hare  
Judge.

RECORDED

Will Kennedy,  
vs  
Hatter Knight  
Kennedy.

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Decree

Filed May 16th/1929.  
J. W. Richmond  
Register

RECORDED

The State of Alabama, }

Baldwin County

CIRCUIT COURT.

To G.E. Perkins

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 ~~Will & Ken~~ Peter Wilson, Jim Bosley

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

Will Kennedy

Complainant

and

Hattie Knight

Defendant,

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

Witness 9 day of April 1929

[Signature] Register.

Commissioners Fee \$

Witness Fee's \$

No. ....

THE STATE OF ALABAMA,  
Baldwin

County.

CIRCUIT COURT.

Will Kennedy

Complainant.....

vs.

Hattie Knight Baldwin

Defendant.....

COMMISSION TO TAKE DEPOSITION  
ON INTERROGATORIES.

COMMISSIONER:

Peter Wilson

Jim Boswell

WITNESSES:

# Marriage Certificate

State of Alabama, Monroe County

This Certifies that *John Baldwin*  
and *Walter Knight*

WERE UNITED IN THE HOLY BONDS OF MATRIMONY

By *W. D. Nash* N.P. Ex off. Jt.

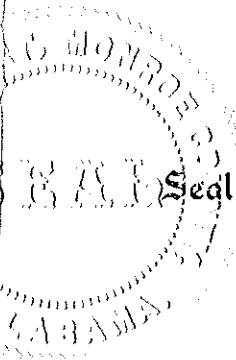
On the *4* day of *June*, in the year of our Lord 19*28*

as appears of record in my office in Marriage Record, book *A*

page *427* This *25* day of *January*, 19*29*

*M. McSoutain*

Judge of Probate.



MARSHALL & BRUCE CO., NASHVILLE

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

..... Will Kennedy ..... Complainant.

VS.

..... Hattie Knight Baldwin ..... Respondent.

I G. E. Perkins .....

~~as Register and Commissioner appointed in above matter~~

have called and caused to come before me the Complainant and Peter Wilson and James Bosley .....

the witness <sup>ES</sup> named in the Requirement for Oral Examination, on the 16th day of April 1929, at the office of Attorney Edward P. Totten in Fairhope, Alabama, and having first sworn said witness <sup>ES</sup> to speak the truth, the whole truth, and nothing but the truth, the said Complainant and the said Witnesses doth depose and say as follows:

Complainant says that he is over the age of twenty one years and has lived in Baldwin county, Alabama, for the last twenty eight years; in response to question as to his age and residence.....

Q. At the time you married the Defendant Hattie Knight Baldwin in March, 1928, did you know that she was already married to John Baldwin?.....

A. No, sir.....

Q. When did you first learn that Defendant was the wife of John Baldwin?

A. In the early part of the month of December, 1928, Hattie Knight Baldwin told me that she had not been divorced from John Baldwin.....

Q. Have you lived with Hattie Knight Baldwin since you learned that she was the wife of John Baldwin?.....

A. No, sir, I have not lived with <sup>her</sup> since the month of November, 1928.....

Q. Do you know when Hattie Knight was married to John Baldwin?.....

A. I have heard it was over ten years ago.....

*Will Kennedy*  
mark

Complainant submits herewith Certified copy of records of Monroe County, Alabama, showing marriage of Defendant Hattie Knight to John Baldwin, on June 4th, 1928.....



Q. What is your name and how long have you lived in Baldwin county, Ala.  
A. Peter Wilson and I have lived here over forty years.  
Q. How long have you known the Complainant, Will Kennedy?  
A. I have been knowing him over twenty years.  
Q. Do you know the Defendant, Hattie Knight Baldwin?  
A. Yes... I have known her for about ten years when she married old man Baldwin's son, Johnny.  
Q. Have you ever talked with the Defendant about her marriage?  
A. Yes... sir... Q. When was that? A. About two months ago.  
Q. In that talk did she tell you she was not divorced from John Baldwin?  
A. Yes sir.  
Q. Did you know Defendant when she was living with Will Kennedy as his wife  
A. Yes... sir... Q. When was that? A. In the year 1928.  
Q. Is the Defendant still living with Complainant at this time?  
A. No... sir... she has not lived with him since last Fall.  
Q. How near do you live to the home of Complainant?  
A. My home is about a hundred feet away from Will Kennedy's.

*Peter Wilson*  
*mark*

Q. What is your name and how long have you lived in Baldwin county, Ala. ?  
A. My name is James Bosley and I have lived in Baldwin county over 35 years.  
Q. Are you acquainted with Will Kennedy and Hattie Knight Baldwin?  
A. I have known Will Kennedy for about 25 years and I have known Hattie Knight Baldwin only since she came to live with Will Kennedy in March, 1928.  
Q. About how long did Hattie Knight Baldwin live with Will Kennedy?  
A. She came in the Spring of 1928 and left in the Fall of 1928.  
Q. Is Defendant living with Will Kennedy now?  
A. No sir.  
Q. How near do you live to the home of Complainant, Will Kennedy?  
A. I live about eight hundred yards away from his place.

*James Bosley*

ORAL EXAMINATION.

I, G. E. Perkins, 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 each signed the same in the presence of myself

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 16th day of April 1929

G. E. Perkins (L. S.)  
Commissioner

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

WILL KENNEDY

vs. Complainant

MARIE EUNICE BALDWIN

Respondent.

Oral Deposition

Filed April 16, 1929

G. E. Perkins, Register.

Recorded in

Record

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

Register

The State of Alabama, }  
BALDWIN COUNTY.

No. 794 ..... CIRCUIT COURT IN EQUITY.

Will Kennedy.....

Complainant.....

vs.

Hattie Knight Baldwin.....

Defendant.....

Motion is hereby made for a Decree Pro Confesso against .....

Hattie Knight Baldwin.....

Defendant.....

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant..... ha<sup>S</sup> failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 11th day of April 1929

Edward P. Totten.....

Solicitor.

3rd

No. 794 **RECORDED** Page .....

STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Will Kennedy

Vs.

Hattie Knight Baldwin

MOTION FOR DECREE PRO  
CONFESSO ON PERSONAL SERVICE

Filed *Apr 11th* 192*7*

*W. H. Williams*  
Register.

Recorded in ..... Record,

Vol. .... Page.....

Register.

Baldwin Times Print, Bay Minette.

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 Hattie Knight Baldwin

of Baldwin 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

Will Kennedy,

against said Hattie Knight Baldwin

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 1st day of February 1929

*T. W. Richerson* Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

*2nd*

*original*

SERVE ON \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity.

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

SUMMONS

Will Kennedy

vs.

Hattie Knight Baldwin

Edward P. Totten.

Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

**RECORDED**

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this ~~12th~~  
day of ~~March~~ 1929

Sheriff.

Executed this *3/10th* day of  
*8:30, a.m.* 1929

by leaving a copy of the within Summons with

*Hattie Knight Baldwin*

Defendant,

*Lo Brown*

Sheriff.

By *W.H. Steed*

Deputy Sheriff.

State of Alabama  
County of Baldwin

In Circuit Court  
In Equity

Will Kennedy, Complainant,

vs.

BILL OF COMPLAINT

Hattie Knight Baldwin,  
Defendant.

To the Honorable F. W. Hare, Judge of said Court:

Humblly complaining of the Defendant named, your Orator shows to this Honorable Court as follows:

First: That complainant is over the age of twenty one years and is now, and for more than five years immediately prior to the filing of this bill, has been a bona fide resident of Baldwin county, Alabama;

Second: That the defendant is over the age of twenty one years and is a resident of Baldwin county, Alabama, at the town of Fairhope, therein;

Third: That in the month of March, 1928, the complainant procured a marriage license and in good faith intermarried with the defendant, Hattie Knight Baldwin;

Fourth: That the defendant lived with the complainant as his wife from such time until November 27th, 1928, when the defendant deserted and abandoned complainant without any just cause or excuse or without any default or failure on the part of complainant;

Fifth: That subsequent to the date of such abandonment of complainant by defendant, the complainant learned that said defendant, prior to her marriage to complainant and on the 4th day of June, 1918, had intermarried with one John Baldwin, who is still living and from whom defendant had separated for a considerable period of time but from whom defendant had not been legally divorced;

Sixth: That at the time of the marriage of complainant to defendant, in the month of March, 1928, there was a valid and subsisting marriage between defendant and one John Baldwin, of which complainant knew nothing, and that complainant has acted in all respects in entire good faith in the matters and things herein set forth;

THE PREMISES CONSIDERED your Orator respectfully prays that said defendant, Hattie Knight Baldwin, be made party respondent to this Bill of Complaint by the usual process of this Honorable Court and that she be required to demur, plead to or answer the same within the time and under the penalties as provided by law, or that the same be forever confessed;

PRAVER FOR RELIEF:

Wherefore, your Orator prays that, upon the final hearing of this cause, the marriage of complainant with respondent be annulled and declared to be of no binding force or effect in law, and that complainant be forever released from all of the duties and obligations of such marriage and restored to the status and condition of a single, unmarried man, and that your Orator may have such other and further relief as to the Court shall seem just and equitable in the premises if he has in anywise prayed or asked amiss.

Dated at Fairhope, Baldwin county, Alabama, this 30th day of January, 1929.

  
Solicitor for Complainant

NOTE :

The Respondent above named is required to answer every allegation contained in the foregoing Bill of Complaint, but not under oath, answer under oath being hereby expressly waived.

  
Solicitor for Complainant



The State of Alabama, }  
Baldwin County.

No. 794

CIRCUIT COURT, IN EQUITY

Will Kennedy

Complainant

vs.

Hattie Knight Baldwin

Defendant

In this cause it appears to the Register  
that a Summons requiring the Defendant Hattie Knight Baldwin

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the  
service of said Summons upon Hattie Knight Baldwin  
was served upon her by the Sheriff of Baldwin County, Alabama, on the  
10th day of March 1929

And the said Defendant ... having failed to demur, plead to or answer the said Bill of Complaint  
to this date, it is now, therefore, on motion of Complainant

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as  
confessed against the said Hattie Knight Baldwin

This 10th day of April 1929

*T. W. Register*  
Register.

Defendant aforesaid.

*4m*

**RECORDED**

No. 794 Page

**The State of Alabama,  
Baldwin County**

**Circuit Court In Equity**

Will Kennedy

vs.

Hattie Knight Baldwin

**Decree Pro Confesso On  
Personal Service.**

Issued *April 11<sup>th</sup>* 19*29*

*T. M. [Signature]*  
Register.

Will Kennedy

vs.

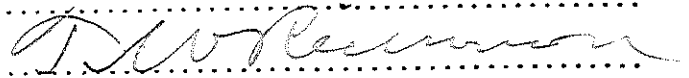
Hattie Knight Baldwin

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,-----  
~~together to cross-bill and~~ testimony of Peter Wilson and Jim Bosley...

and in behalf of Defendant upon-----



Register.

5-100

**RECORDED**

No. 794

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

Will Kennedy

vs

Hattie Knight Baldwin

NOTE OF TESTIMONY

Filed in Open Court this 20

day of Apr 1929

*D. C. Williams*

Register