

To be mailed deft.

ARTHUR HARRISON HATCHELL,  
Complainant.

-VS-

OTTO HATCHELL,

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE  
STATE OF ALABAMA  
BALDWIN COUNTY.

ORDER OF PUBLICATION AS TO NON-RESIDENT DEFENDANT.

It being shown and made to appear by the Affidavit appended to the Bill of Complaint in this cause that the Defendant, Otto Hatchell, is a non-resident of the State of Alabama, residing at Gonzales in the State of Texas, a more particular address being unknown; it is, therefore,

ORDERED that the Defendant, Otto Hatchell, be and he is hereby required to answer or demur to said Bill of Complaint before the 14 day of June, 1930; it is further

ORDERED that this Order of Publication be published in the Robertsdale American, a newspaper published at Robertsdale, Alabama, printed in the English language and of general circulation in Baldwin County, Alabama, the county where published, once a week for four consecutive weeks; that a copy of this Order be posted up at the door of the Court House of Baldwin County, Alabama, and that another copy thereof be sent by mail to said Defendant addressed Gonzales, Texas, which copy shall be posted up and sent by mail within twenty days from the making of this Order.

IN WITNESS WHEREOF, the said T. F. Richardson hereunto sets his hand as Register and affixes the seal of said Court, on this the 8 day of May, 1930.

*T. F. Richardson*  
Register.

HORRISON STONE,  
Solicitor for Complainant.

RUTH MASHBURN HATCHELL,  
Complainant.

-vs-

OTTO HATCHELL,  
Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND  
THE HON. FRANCIS W. HARE. JUDGE THEREOF, SITTING IN EQUITY:

Comes your Complainant, Ruth Mashburn Hatchell, and  
exhibits this her Bill of Complaint in this cause for divorce  
against Otto Hatchell and shows as follows:

1. That both Complainant and Respondent are over the  
age of twenty-one years; that your Complainant is a bona fide resi-  
dent of Baldwin County, Alabama, residing at Bay Minette, Alabama,  
and has been such a bona fide resident for more than three years  
next immediately preceding the filing of this Bill of Complaint;  
that the Respondent is a non-resident of the State of Alabama, re-  
siding at Gonzales, Texas when last heard of; that his particular  
address is unknown to Complainant and could not and cannot be as-  
certained although diligent inquiries were made by her to that end

2. That your Complainant and the Respondent were  
married on heretofore to-wit, October 18th, 1922 and lived together  
as man and wife until to-wit, February 3rd, 1927, at which time  
Respondent voluntarily deserted and abandoned your Complainant;  
that such desertion took place more than two years before the fil-  
ing of this Bill of Complaint and has continued without interrup-  
tion.

3. That there was born to your Complainant and Respon-  
dent by said marriage a boy child, James Denny Hatchell, who is now  
three years of age; that your Complainant is a fit and proper per-  
son to have the custody and control of said child by reason of his  
tender age and it is to the best interest of the child to be award-  
ed to your Complainant, its mother; that the Defendant on account  
of his desertion of your Complainant, the mother of the child, and  
moving from place to place is not a fit and proper person to have

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

Otto Hatchell

of \_\_\_\_\_ 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 Sum-  
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by  
Ruth Mashburn Hatchell

against said \_\_\_\_\_ Otto Hatchell

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 9th day of  
May 1930

*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

Ruth Mashburn Hatchell

vs.

Otto Hatchell

Herborne Stone

Solicitor for Complainant

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

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 19\_\_\_\_

Sheriff.

Executed this \_\_\_\_\_ day of \_\_\_\_\_

19\_\_\_\_

by leaving a copy of the within Summons with \_\_\_\_\_

Defendant.

Sheriff.

By \_\_\_\_\_

Deputy Sheriff.

RUTH MASHBURN HATCHELL,  
Complainant,  
-vs-  
OTTO HATCHELL,  
Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE  
STATE OF ALABAMA  
BALDWIN COUNTY.  
No. \_\_\_\_.

DECREE OF DIVORCE.

This cause coming on to be heard was submitted on the Bill of Complaint, Decree Pro Confesso and the 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 Ruth Mashburn Hatchell, the Complainant, and Otto Hatchell, Respondent, be and the same are hereby dissolved and the Complainant is forever divorced from the Respondent.

It is further ORDERED, that the care, control and custody of the minor child, James Denny Hatchell, *and the same hereby is* be awarded to the Complainant, *until further orders of this Court.*

It is further ordered that the Complainant, Ruth Mashburn Hatchell, 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 Otto Hatchell pay the costs herein taxed for which execution may issue and if such execution is returned "No Property Found" the execution for such costs may issue against the said Ruth Mashburn Hatchell.

It is further ORDERED, ADJUDGED AND DECREED that the said Ruth Mashburn Hatchell shall not again marry except to Otto Hatchell until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Otto Hatchell during the said pendency of appeal.

Dated this 21<sup>st</sup> day of August, 1950.

J. W. Hase  
Judge, 21st Judicial Circuit.

RUTH MASHBURN HATCHELL,  
Complainant.

-vs-

OTTO HATCHELL,  
Respondent.

)  
) IN THE CIRCUIT COURT-EQUITY SIDE  
)  
) STATE OF ALABAMA  
)  
) BALDWIN COUNTY.  
)

TO THE HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND  
THE HON. FRANCIS W. HARE, JUDGE THEREOF, SITTING IN EQUITY:

Comes your Complainant, Ruth Mashburn Hatchell, and exhibits this her Bill of Complaint in this cause for divorce against Otto Hatchell and shows as follows:

1. That both Complainant and Respondent are over the age of twenty-one years; that your Complainant is a bona fide resident of Baldwin County, Alabama, residing at Bay Minette, Alabama, and has been such a bona fide resident for more than three years next immediately preceding the filing of this Bill of Complaint; that the Respondent is a non-resident of the State of Alabama, residing at Gonzales, Texas when last heard of; that his particular address is unknown to Complainant and could not and cannot be ascertained although diligent inquiries were made by her to that end.

2. That your Complainant and the Respondent were married on heretofore to-wit, October 18th, 1922 and lived together as man and wife until to-wit, February 3rd, 1927, at which time Respondent voluntarily deserted and abandoned your Complainant; that such desertion took place more than two years before the filing of this Bill of Complaint and has continued without interruption.

3. That there was born to your Complainant and Respondent by said marriage a boy child, James Denny Hatchell, who is now three years of age; that your Complainant is a fit and proper person to have the custody and control of said child by reason of his tender age and it is to the best interest of the child to be awarded to your Complainant, its mother; that the Defendant on account of his desertion of your Complainant, the mother of the child, and

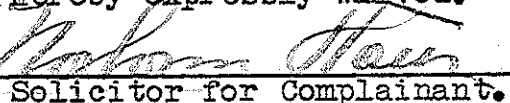
moving from place to place is not a fit and proper person to have the custody of said child of such an age.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, the Complainant prays that all necessary notices, orders and decrees be issued to make the above named Otto Hatchell party defendant, requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes; that upon a final hearing hereof your Honor will render, adjudge and decree that the bonds of matrimony heretofore existing between your Complainant and the Respondent be forever dissolved and that your Complainant be again permitted to contract the marriage relation should she so desire; that the care and custody of said child, James Denny Hatchell, be awarded your Complainant; should your Complainant be mistaken in the relief prayed for, that there be granted unto her such other, further or different relief to which she is in equity and good conscience entitled, and as in duty bound, she will ever pray, etc.

  
Solicitor for Complainant.

FOOT NOTE:- The Respondent, Otto Hatchell, is required to answer each and every paragraph of the foregoing Bill of Complaint from One to Three, both inclusive, but not under oath, as oath is hereby expressly waived.

  
Solicitor for Complainant.

RUTH MASHBURN HATCHELL,

Complainant.

-vs-

OTTO HATCHELL,

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned authority in and for said County in said State, personally appeared Ruth Mashburn Hatchell, who is known to me and who, after being by me first duly and legally sworn, doth depose and say under oath:

That her name is Ruth Mashburn Hatchell and that she is the Complainant in the above styled cause now pending in the above named Court wherein Otto Hatchell is Defendant; that both she and the above named Defendant are over the age of twenty-one years; that affiant is a bona fide resident of Baldwin County, Alabama, residing at Bay Minette, Alabama, and has been such a bona fide resident for more than three years next immediately preceding this date; that Otto Hatchell is a non-resident of the State of Alabama and was residing at Gonzales, Texas when last heard of; that his particular address is unknown to affiant and could not and cannot be ascertained although she has made diligent inquiries as to same; that service by publication is necessary to make the said Otto Hatchell party defendant in this cause.

Ruth Mashburn Hatchell

Sworn to and subscribed before me,  
a Notary Public whose seal is here-  
to affixed by me, this 9th day  
of May, 1930.

R. C. Heard  
Notary Public, Baldwin  
County, Alabama.



RUTH MASHBURN HATCHELL,  
Complainant,

-VS-

OTTO HATCHELL,  
Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

No. \_\_\_\_.

TO T. W. RICHESON, REGISTER:

In the above stated cause the Decree Pro Confesso having been taken against the Respondent and evidence having been taken, and the cause being ready for submission for final decree and no defense having been interposed, the Complainant, by Norborne Stone as her Solicitor 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.

*Norborne Stone*  
Solicitor for Complainant.

RECORDED

*Ex-12  
2/27/1914  
G. H. P.  
w/o*

RECORDED

3-  
Esq. J. R.

RECORDED

Filed Aug 18/930

J. W. Pickman  
Clerk

RECORDED

RECEIVED

CONFIDENTIAL

-4-

RECEIVED

CONFIDENTIAL

RECEIVED

RECEIVED

STATE OF ALABAMA }  
County of Baldwin }

G.C. Stephenson, being first duly sworn, desposes and says that he is the publisher of THE BALDWIN COUNTY NEWS, a newspaper published every Thursday at Robertsedale, Baldwin County, Alabama, in the English language and of general circulation in said Baldwin County, Ala-

bama; that the notice hereto attached of \_\_\_\_\_  
Ruth Mashburn Hatchell, Complainant

RUTH MASHBURN HATCHELL, com-  
plainant.

vs.  
OTTO HATCHELL, Respondent.  
In the Circuit Court-Equity Side, State  
of Alabama, Baldwin County.

ORDER OF PUBLICATION AS TO  
NON-RESIDENT DEFENDANT.

It being shown and made to appear  
by the Affidavit appended to the Bill  
of Complaint in this cause that the  
Defendant, Otto Hatchell, is a non-  
resident of the State of Alabama, re-  
siding at Gonzales in the State of  
Texas, a more particular address being  
unknown; it is, therefore,

ORDERED that the Defendant, Otto  
Hatchell, be and he is hereby required  
to answer or demur to said Bill of Com-  
plaint before the 14 day of June, 1930;  
it is further

ORDERED that this Order of Publi-  
cation be published in The Baldwin  
County News a newspaper published at  
Robertsedale, Alabama, printed in the  
English language and of general cir-  
culation in Baldwin County, Alabama,  
the county where published, once a  
week for four consecutive weeks; that a  
copy of this Order be posted up at the  
door of the Court House of Baldwin  
County, Alabama, and that another  
copy thereof be sent by mail to said  
Defendant addressed Gonzales, Texas,  
which copy shall be posted up and sent  
by mail within twenty days from the  
making of this Order.

IN WITNESS WHEREOF, the said  
T. W. Richerson hereunto sets his hand  
as Register and affixes the seal of said  
Court, on this the 8th day of May, 1930.

T. W. RICHERSON,  
Register.

NORBORNE STONE,  
Solicitor for Complainant.  
may15-22-29june5

Vs

Otto Hatchell, Respondant

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

Date of first publication May 15 1930 Vol. 9 No. 5

Date of second publication May 22 1930 Vol. 9 No. 6

Date of third publication May 29 1930 Vol. 9 No. 7

Date of fourth publication June 5 1930 Vol. 9 No. 8

And said affiant further states that these is no contract, agreement or

understanding between himself and \_\_\_\_\_  
the officer charged with the duty of advertising said notice in a news-  
paper, for any advantage, gain or profit to accrue to such officer, and  
that the sum charged for he publication of said notice is the actual, lowest,  
regular price for such advertisement.

*G.C. Stephenson*

Subscribed in my presence and sworn to before me, this 9th day  
of June, 1930.

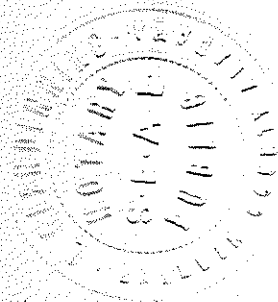
*L. Glendon*

Cost of Publication \$ 10.53

MY COMMISSION EXPIRES JANUARY 15, 1931

Cost of Affidavitt, .25

Total \$ 10.78

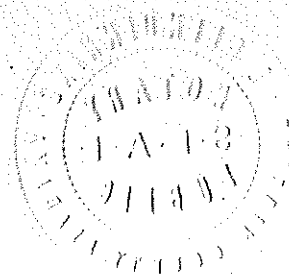


No 902

Hatchell  
KS

Hatchell

Given June 10/730  
D. M. T.  
Aunt



George Wenzell, Complainant

vs.

Baldwin Circuit Court, In Equity.

Baldwin Credit Company, Inc.

Respondent.

To Judge F. W. Hare, Judge of the 21st., Judicial Circuit:  
1st.

Complainant is over the age of 21 years, and resides at Foley, Alabama, and Baldwin Credit Company, the respondent, is a corporation organized under the laws of the State of Alabama, and has its place of business at Fairhope, Alabama.

Second.

That on to-wit.:— August 21, 1930, respondent filed in the Circuit Court of Baldwin County a suit against complainant for \$157.59 on a certain note, and on to-wit; September 26, 1930, a judgment by default was rendered against complainant for the sum

Third.

Complainant avers that at no time was service of the summons and complaint ever had on him, but the first he knew of this judgment was when an advertisement in the Baldwin Times was shown him, advertising a sheriff's sale of his interest in certain real estate.

Fourth.

That complainant avers that he has a meritorious defense to said suit, as he can show that before the filing of the suit, he turned back the Whippet coach in full settlement of said note sued on, and if he <sup>had</sup> known of said suit <sup>have</sup> he would set up this payment as a defense to said suit.

Fifth.

That on said judgment, execution has issued, and the sheriff has advertised said land sold on April 27th., 1931.

The premises considered, complainant prays that a new trial be granted and this judgment be set aside and annulled, and that on complainant giving bond, a writ of injunction may issue restraining, W. R. Stuart, Sheriff and Baldwin County Credit Company, a corporation or any other person, firm or corporation from selling said land on April 27th. or any other time under execution on said judgment

*A. W. Crowder*  
*W. R. Harkness*  
Solicitors for Complainant.

Foot Note-- Respondent is required to answer each and every allegation of said complaint, but not under oath, oath to same being waived.

A. N. Crockett  
W. H. Waukins

Solicitors for Complainant.

State of Alabama,  
Baldwin County.

Personally appeared before me, the undersigned authority,

George Wenzel, who being by me first duly sworn doth depose and say:-

That the allegations of the complaint are true and correct.

Sworn to and subscribed before me this the 27th. day of April 1931.

State of Alabama

County of Baldwin.

Before me,

a notary public

~~in and for said County and State,~~ personally appeared George Wenzel

who being first duly sworn deposes and states that he has read the within and foregoing Bill of Complaint and that he knows the contents and the facts stated there. He true, except as to matters which are stated to be on information and belief and as to these matters he is informed and believes them to be true.

George Wenzel.

Sworn to and subscribed before me this April 25, 1931.

Paul J. Jett  
Notary Public Baldwin County,  
Alabama.

My Commission Expires

Oct 24 - 1931.

Upon Complaint entering  
into bond in the sum of \$100.00 at the  
temporary injunction issue as  
prayed for in the bill of complaint.  
This April 27<sup>th</sup> 1931.

J. W. Hare  
Judge

George Wenzel, Complainant.

In Circuit Court of Baldwin County.

vs.

In Equity.

Baldwin Credit Company, Inc.

Respondent.

BRIEF OF COMPLAINANT ON DEMURRER TO BILL OF COMPLAINT.

In response to brief of respondent on demurrer to bill of complaint and in substantiation of the equity of said bill of complaint, complainant calls your Honor's attention to the following allegations:-

First.

Complaint alleges in third paragraph of bill, that no service was had on complainant and he did not have any knowledge of said suit and judgment until April 1931, more than six months after rendition of judgment, and he could not at that time ask for a new ~~xxx~~ trial at law and a bill in equity was the only remedy.

Second.

In fourth paragraph of bill complainant alleges what is tantamount to an averment of payment, and alleges that if he had known of said suit, he would have set up payment in full etc.

Third.

We call your Honor's attention to the fact that every party to a suit is entitled to his day in court, and it was fraud on the part of respondent to take judgment without service on complainant of summons and complaint. It is a maxim of equity that fraud vitiates everything into which it enters.

Fourth.

In Evans vs. Wilhite Et. Al.- 52 Sou. Pages 845 et seq., the court holds that on demurrer to a bill and motion to dismiss for want of equity, the averments of the bill must be taken as true, so that the averments that no service was had on complainant, that he knew nothing of said suit and judgment until long afterwards, and that he had paid the debt by turning back the Whippet Coach in full payment of the debt, must be taken as true, and if either one of said averments are true, (And they must be taken as true), would entitle complainant to a new trial and a permanent injunction.

We would further call your Honor's attention to the fact that there has been no motion made to dissolve the injunction.



Fifth.

In this same case-52 Southern Page 845, the court says that equity has original jurisdiction to vacate a judgment obtained by fraud and restrain enforcement pending suit, and that the remedy given in the code 9521 is not exclusive, but is concurrent and cumulative with that of equity.

If your Honor will read this case-52 Sou. 845, and take the allegations of the complaint as true, we are sure you will overrule this demurrer, vacate this judgment and restrain enforcement pending suit.

Complainant further calls the attention of the court to the fact that the brief of respondent are but additional grounds of demurrer and in case of new trial could be raised by demurrer to pleas, and in no way shows lack of equity.

We, respectfully submit that taking the averments of the complaint as true, under the decision in 52 Sou. Page 845, and other cases, there is equity in the bill, and a new trial should be awarded, and injunction made permanent, and demurrer overruled.

Respectfully submitted.

*A. W. Crockett*  
*W. H. Hawkins*

Solicitors for complainant.

Copy of this brief given to Beebe and Hall, Solicitors for ~~an~~  
Respondent Oct. 20, 1932.

Isco Mangel, Compt  
vs  
Baldwin Credit Co Inc  
Respondents

---

Brief of ~~Plaintiff~~ Com-  
plainant on demur-  
rer to Bill of Complaint

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State of Alabama  
County of Baldwin.

In the Circuit Court of Baldwin County,  
In Equity.

KNOW ALL MEN BY THESE PRESENTS, that we, George  
Wenzel, are held and firmly  
bound unto Baldwin Credit Company, Inc., in the sum of \$100.<sup>20</sup>  
for the payment of which we bind ourselves, our heirs, executors  
and administrators, jointly and severally.

Sealed with our seals and dated this April 25, 1931

The condition of the above obligation is such that  
whereas, said George Wenzel has filed his bill of complaint in the  
Circuit Court of Baldwin County, and has obtained thereon an order  
for the issuance of an injunction from the Honorable F. W. Hare,  
judge of said court, to restrain and enjoin the said Baldwin Credit  
Company, Inc. from selling certain real estate in Baldwin County,  
Alabama, under an execution issued from said Circuit Court and  
advertised for sale on the 27th. day of April, 1931, by the sheriff  
of said County.

Now therefore if the said George Wenzel, or his  
heirs, executors or administrators, shall pay or cause to be paid  
all damages and costs which any person may sustain by the suing  
out of such injunction, if the same is dissolved by the said  
~~Baldwin Credit Company, Inc.~~ Circuit Court of Baldwin County, Alabama,  
on the bill filed by the said George Wenzel then this obligation  
shall be void, otherwise it shall be and remain of full force and  
effect.

Witness our hands and seals this April 25th, 1931.

George Wenzel Seal.  
Victor L. Hare Seal.  
A. H. Hare Seal.

Oaken and  
Approved  
Apr 27/1931  
J. W. McInnis  
Oaken

GEORGE WENZEL,

Complainant,

vs.

BALDWIN CREDIT COMPANY,  
INC.,

Respondent.

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

BRIEF OF RESPONDENT ON DEMURRER TO  
BILL OF COMPLAINT.

In substantiation of our demurrer to complainant's bill of complaint, which demurrer says that there is no equity in the bill, in which bill of complaint the complainant alleges "that he has a meritorious defense to said suit, as he can show that before the filing of the suit he turned back the Whippet Coach in full settlement of said note sued on, and if he known of said suit he would have set up this payment as a defense to said suit", we beg to call your Honorable Court's attention to the following, namely:

1. That the complainant does not allege to whom the Whippet Coach was returned in full settlement of said indebtedness.
2. Complainant does not allege that the Whippet Coach was accepted in full settlement of said note sued on.
3. Complainant does not allege that payment has been tendered to the respondent in this cause.
4. Complainant does not allege that he is ready, able and willing to pay the amount sued for.
5. Complainant does not allege to do equity.

Respectfully Submitted,

*Beebe & Hall*

George Weuzel  
vs Compla-

Baldwin Credit Co, Inc.  
Respt.

Brief of Respondent  
on Demurrer

of

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

PETITION

That the cost to the Company of the office furniture and equipment originally was the approximate sum of THREE HUNDRED SIXTY & 00/100 (\$360.00) DOLLARS and Your Petitioner believes that it is for the best interests of the Estate that this offer be accepted.

Wherefore, Your Petitioner prays that an order may be entered authorizing him to deliver the office furniture and equipment of said Sterling National Life Insurance Company and an order for the bank deposit of said Sterling National Life Insurance Company to said Consolidated State Bank in full settlement of all liabilities of the Company under said lease.

STATE OF ALABAMA )  
BALDWIN COUNTY. )

Lloyd A. Magney, being first duly sworn, on his oath deposes and says that he is the above named Petitioner and has read and knows the contents of the foregoing Petition and that the facts therein set forth are true to the best of his knowledge and belief.

Subscribed in my presence and sworn to before me this 30 day of January, 1933.

J. H. Moore  
Notary Public.

in the CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

IN THE MATTER OF THE ESTATE

of

STERLING NATIONAL LIFE  
 INSURANCE COMPANY, IN  
 RECEIVERSHIP

PETITION

Lloyd A. Magney  
 Attorney at Law

of January, 1933.

ROBERT S. SMITH



8581 NOTE OF TESTIMONY

Ruth Mashburn Hatchell

vs.

Otto Hatchell

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 Ruth Mashburn Hatchell and  
Bessie Snowden

and in behalf of Defendant upon

*J. W. Register*

Register.

4  
**RECORDED**

No. 902

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

Ruth Mashburn Hatchell

VS

Otto Hatchell

NOTE OF TESTIMONY

Filed in Open Court this 18th

day of August, 1930.

*D. W. Rice*

Register

MOORE PTG CO

**RECORDED**

**The State of Alabama,**

Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 902 Vacation Term, 1930.

Ruth Mashburn Hatchell,

Complainant..

vs. Otto Hatchell,

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 15th day of May, 1930, in the Baldwin County News,

Baldwin Co., a newspaper published in Robertsdale, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 15th day of May 1930.

And it now further appearing to the Register, that the said

Otto Hatchell,

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 Otto Hatchell,

This 4th day of August 1930.

*[Signature]*

Register.

**RECORDED**

No. 902

Page

**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY.**

Ruth Mashburn Hatchell,

vs.

Otto Hatchell,

**DECREE PRO CONFESSO  
OF PUBLICATION**

Issued August 4th, 1930

*W. H. Richardson*  
Register.

Recorded in Record

Vol. Page

**RECORDED**

Register.

Moore Printing Company, Bay Minette, Ala.

The State of Alabama, }  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 902. Vacation Term, 19230

Ruth Mashburn Hatchell,

Complainants

vs.

Otto Hatchell,

Defendants

Motion is hereby made for a Decree Pro Confesso against

Otto Hatchell,

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 2nd day of August 19230

746 Code.

Norborne Stone,

Solicitor.

2  
No. 902

RECORDED

Page .....

STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Ruth Mashburn Hatchell,

Complainants.

Vs.

Otto Hatchell,

Defendants.

MOTION FOR DECREE PRO  
CONFESSO ON PUBLICATION.

Filed August 2nd 1923

*J. M. Pearson*  
Register.

Recorded in ..... Record,

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

Register.

Baldwin Times Print, Bay Minette.

RECORDED

*For mailing to dept*

RUTH MASHBURN HATCHELL,

Complainant.

-vs-

OTTO HATCHELL,

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND  
THE HON. FRANCIS W. HARE, JUDGE THEREOF, SITTING IN EQUITY:

Comes your Complainant, Ruth Mashburn Hatchell, and exhibits this her Bill of Complaint in this cause for divorce against Otto Hatchell and shows as follows:

1. That both Complainant and Respondent are over the age of twenty-one years; that your Complainant is a bona fide resident of Baldwin County, Alabama, residing at Bay Minette, Alabama, and has been such a bona fide resident for more than three years next immediately preceding the filing of this Bill of Complaint; that the Respondent is a non-resident of the State of Alabama, residing at Gonzales, Texas when last heard of; that his particular address is unknown to Complainant and could not and cannot be ascertained although diligent inquiries were made by her to that end.

2. That your Complainant and the Respondent were married on heretofore to-wit, October 18th, 1922 and lived together as man and wife until to-wit, February 3rd, 1927, at which time Respondent voluntarily deserted and abandoned your Complainant; that such desertion took place more than two years before the filing of this Bill of Complaint and has continued without interruption.

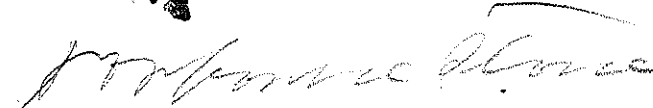
3. That there was born to your Complainant and Respondent by said marriage a boy child, James Denny Hatchell, who is now three years of age; that your Complainant is a fit and proper person to have the custody and control of said child by reason of his tender age and it is to the best interest of the child to be awarded to your Complainant, its mother; that the Defendant on account of his desertion of your Complainant, the mother of the child, and

(Page Two)

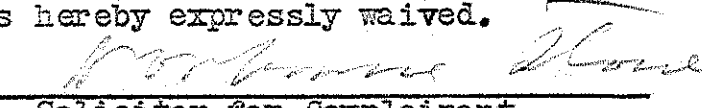
moving from place to place is not a fit and proper person to have the custody of said child of such an age.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, the Complainant prays that all necessary notices, orders and decrees be issued to make the above named Otto Hatchell party defendant, requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes; that upon a final hearing hereof your Honor will render, adjudge and decree that the bonds of matrimony heretofore existing between your Complainant and the Respondent be forever dissolved and that your Complainant be again permitted to contract the marriage relation should she so desire; that the care and custody of said child, James Denny Hatchell, be awarded your Complainant; should your Complainant be mistaken in the relief prayed for, that there be granted unto her such other, further or different relief to which she is in equity and good conscience entitled, and as in duty bound, she will ever pray, etc.

  
Solicitor for Complainant.

FOOT NOTE:- The Respondent, Otto Hatchell, is required to answer each and every paragraph of the foregoing Bill of Complaint from One to Three, both inclusive, but not under oath, as oath is hereby expressly waived.

  
Solicitor for Complainant.



RUTH MASHBURN HATCHELL  
Complainant

-vs-

OTTO HATCHELL,  
Respondent

IN THE CIRCUIT COURT-EQUITY  
SIDE,

STATE OF ALABAMA

BALDWIN COUNTY

APPLICATION FOR ORAL EXAMINATION

Comes Ruth Mashburn Hatchell, the Complainant, by Norborne Stone, as her Solicitor of Record, and makes this her application to the Register of this Court for an oral examination of the following witnesses for Complainant, said witnesses being citizens of and residing in the State of Alabama, viz:-

NAME OF WITNESSES

RESIDENCE

Ruth Mashburn Hatchell

Bay Minette, Ala.

Bessie Snowden

Bay Minette, Ala.

Such examination to be taken before T. W. Richerson,  
the Register of this Court.

Norborne Stone  
Solicitor for Complainant.

The foregoing Application coming on to be heard is granted and ordered that the Oral Examination of said witnesses be held at the Office of the Register of the Court House at Bay Minette, Alabama, on the 13 day of August 1930, at 1:30 O'clock P. M.

That notice thereof be given for ten days by an entry on the Order Book of the Register.

Dated this August 13 1930.

T. W. Richerson  
Register.

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 \_\_\_\_\_

Otto Hatchell

of \_\_\_\_\_ 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

Ruth Mashburn Hatchell

against said \_\_\_\_\_ Otto Hatchell

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 \_\_\_\_\_ 9th \_\_\_\_\_ day of

May \_\_\_\_\_ 193 \_\_\_\_\_ 0

*T. W. Richerson* Register

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

*Original*

RECORDED

SERVE ON

Circuit Court of Baldwin County  
In Equity

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

SUMMONS

Ruth Mashburn Hatchell

vs.

Otto Hatchell

Norborne Stone

Solicitor for Complainant

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

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 19\_\_\_\_

Sheriff.

Executed this \_\_\_\_\_ day of

19\_\_\_\_

by leaving a copy of the within Summons with

Defendant.

Sheriff.

By \_\_\_\_\_

Deputy Sheriff.

*Copy of Bill  
Copy of order  
Publication  
Order Amended  
mailed Dept May  
8th 1932*

*J. J. Phillips*

RUTH MASHBURN HATCHELL,  
Complainant.

-VS-

OTTO HATCHELL,  
Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE  
STATE OF ALABAMA  
BALDWIN COUNTY.

ORDER OF PUBLICATION AS TO NON-RESIDENT DEFENDANT.

It being shown and made to appear by the Affidavit appended to the Bill of Complaint in this cause that the Defendant, Otto Hatchell, is a non-resident of the State of Alabama, residing at Gonzales in the State of Texas, a more particular address being unknown; it is, therefore,

ORDERED that the Defendant, Otto Hatchell, be and he is hereby required to answer or demur to said Bill of Complaint before the 14 day of June, 1930; it is further

ORDERED that this Order of Publication be published in the Robertsdale American, a newspaper published at Robertsdale, Alabama, printed in the English language and of general circulation in Baldwin County, Alabama, the county where published, once a week for four consecutive weeks; that a copy of this Order be posted up at the door of the Court House of Baldwin County, Alabama, and that another copy thereof be sent by mail to said Defendant addressed Gonzales, Texas, which copy shall be posted up and sent by mail within twenty days from the making of this Order.

IN WITNESS WHEREOF, the said T. W. Richerson hereunto sets his hand as Register and affixes the seal of said Court, on this the 8 day of May, 1930.

  
Register.

NORBORNE STONE,  
Solicitor for Complainant.

GEORGE WENZEL,

Complainant,

vs.

BALDWIN CREDIT COMPANY, INC.,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY - IN EQUITY.

Comes the defendant in the above styled cause, and  
demurring to complainant's complaint says:

That there is no equity in the bill.

Beebe & Hall  
Attorneys for Defendant.

The State of Alabama }  
Baldwin County

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

RUTH MASHBURN HATCHELL,

COMPLAINANT

VS.

OTTO HATCHELL,

RESPONDENT

I, T. W. Richerson,

as Register and Commissioner

have called and caused to come before me Ruth Mashburn Hatchell  
and Bessie Snowden,

witnesses named in the Requirement for Oral Examination, on the 15th day of August,  
1930, at my office of

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

truth, the whole truth, and nothing but the truth, the said Ruth Mashburn Hatchell  
and Bessie Snowden

doth depose and say as follows:

ORAL EXAMINATION

I, J. W. Davidson, 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 witnesses and read over to them and they signed the same in the presence of myself And R. C. Heard. Atty for Complainant at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness .. or had proof made before me of the identity of said witness ; 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 18th day of August 1920.

J. W. Davidson (L. S.)

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

The State of Alabama  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

VS.

RESPONDENT

ORAL DEPOSITION

Filed Aug 18<sup>th</sup>, 1920

M. Davidson Register  
RECORDED IN

Record

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

Register

My name is Ruth Mashburn Hatchell and I am the complainant in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, Equity Side, styled Ruth Mashburn Hatchell, Complainant, vs. Otto Hatchell, Respondent. I was on the \_\_\_\_\_ day of 7, 1930, over the age of twenty-one years and had been a bona fide resident of Baldwin County, Alabama, residing at Bay Minette, Alabama, for more than three years next preceding said date; Otto Hatchell was on said date over the age of twenty-one years and was and still is a non-resident of the State of Alabama, residing at Gonzales, Texas, when last heard of.

I was married to Otto Hatchell on October 18, 1922, and we lived together until February 3, 1927, at which time Otto Hatchell voluntarily deserted and abandoned me, and we have not since lived together as man and wife. This desertion or abandonment took place more than two years before the filing of the Bill of Complaint and has continued without interruption.

There was born to us by this marriage one child, a boy named James Denny Hatchell, who is now three years of age. I, as his mother, am the fit and proper person to have the control of a child of such tender years, and it will be to the best interest of this child to be awarded to me. Otto Hatchell, on account of his desertion of me and the fact of his moving from place to place and having no fixed place of abode or residence, is not a fit and proper person to have charge of a child of this age. I am in a position to give my child all necessary advantages and will see that he has them.

Ruth Mashburn Hatchell



My name is Bessie Snowden. I am over the age of twenty-one years and am a bona fide resident of Baldwin County, Alabama, residing at Bay Minette, Alabama, where I have resided for the past nine years.

I am acquainted with both Ruth Mashburn Hatchell and Otto Hatchell, having known them for more than three years, having from time to time visited them and had them as visitors, and was associated with them in a social way. I know of my own knowledge that they were married on October 18, 1922, and that they lived together as man and wife until February 5, 1927, at which time Otto Hatchell voluntarily deserted and abandoned Ruth Mashburn Hatchell, and that they have not lived together since as man and wife. They have one child, a boy named James Denny Hatchell, who is now about three years of age. Ruth Mashburn Hatchell is the proper person to have the custody and control of a child who is so young, and it will be to the best interest of this child to be awarded to his mother. She is in a position and is able to give him every necessary advantage for his care and maintenance. I know that Otto Hatchell, since the time of his desertion of Ruth Mashburn Hatchell, has had no fixed place of residence, having been moving from place to place, and is not, in my opinion, fit or the proper person to have the custody of this child.

I am not related by blood or marriage to Ruth Mashburn Hatchell.

Bessie Snowden.

Bill of Complaint

Filed Apr 27th

1931  
W. R. Stewart

I hereby accept  
service of notice  
of Defendant's motion  
in this case

4/27/31

W. R. Stewart  
Shelf

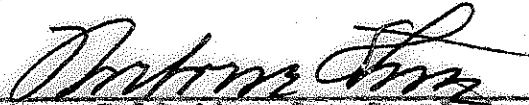
RECORDED

(Page Two)

the custody of said child of such an age.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, the Complainant prays that all necessary notices, orders and decrees be issued to make the above named Otto Hatchell ~~party~~ defendant, requiring him to appear and plead, answer or demur, ~~at~~ in the time and under the penalties prescribed by the rules of this Court and the statutes; that upon a final hearing hereof your Honor will render, adjudge and decree that the bonds of matrimony heretofore existing between your Complainant and the Respondent be forever dissolved and that your Complainant be again permitted to contract the marriage relation should she so desire; ~~that~~ the care and custody of said child, James Denny Hatchell, be ~~awarded~~ <sup>granted</sup> your Complainant; should your Complainant be mistaken in the relief prayed for, that there be granted unto her such other, further or different relief to which she is in equity and good conscience entitled, and as in duty bound, she will ever pray, etc.



Solicitor for Complainant.

FOOT NOTE:- The Respondent, Otto Hatchell, is required to answer each and every paragraph of the foregoing Bill of Complaint from One to Three, both inclusive, but not under oath, as oath is hereby expressly waived.



Solicitor for Complainant.

under oath, as oath is hereby expressly waived.  
Complaint from one to three; both inclusive; but not  
each and every paragraph of the foregoing Bill of  
Foot Note:- The Respondent, Otto Hatchell, is required to answer

Solicitor for Complainant.

Solicitor for Complainant.

being, she will ever pray, etc.

she is in equity and good conscience entitled, and as in equity  
granted unto her such other, further or different relief to which  
Complainant be mistaken in the relief prayed for, that there be  
James Denny Hatchell, be awarded her Complainant's should your  
should she so desire; that the case and custody of said child  
Complainant be again permitted to contest the marriage relation  
Claimant and the Respondent be forever dissolved and that your  
that the bonds of matrimony heretofore existing between your Com-  
a final hearing hereof your Honor will render, adjudge and decree  
prescribed by the rules of this Court and the statutes; that upon  
being, answer or deny, at the time and under the penalties  
named Otto Hatchell Respondent, requiring him to appear and  
necessarily notices, orders and decrees be issued to make the above

THE PRIMER'S COMPLETED, the Complainant prays that all

PRAYER FOR PROCESS AND RELIEF.

the custody of said child of such an age.

(Page Two)

AFTER FIVE DAYS RETURN TO  
**T. W. RICHESON**  
REGISTER AND CLERK OF THE CIRCUIT COURT  
BALDWIN COUNTY  
BAY MINETTE, ALA.

REGISTERED MAIL

RETURN RECEIPT REQUESTED

**REGISTERED**

NO. 872

Mr. Otto Hatchell,  
Gonzales, Texas,

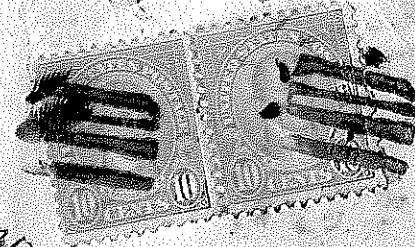
FOR DELIVERY ONLY TO PERSON TO WHOM ADDRESSED

Deliver to addressee only.

Return Receipt Requested,  
Rec Paid.

*Turned  
May 19th 1930  
T. W. Richeson Register*

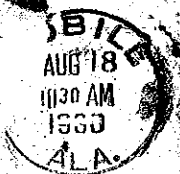
**RETURN TO WRITER**  
REASON FOR NON-DELIVERY CITED  
Unclaimed.....Unknown.....  
Deceased.....For better address.....  
Missing, left no address.....Return to  
the same post office in state named.....



AFTER 5 DAYS, RETURN TO

*By 704*

MOBILE, ALABAMA



*Mr. Richardson, Clerk  
Circuit Court  
Bay Minette  
Ala.*

