

The State of Alabama,
Baldwin County.

No. 958.

Circuit Court, in Equity.

Robert Wesley Linton

Complainant

vs.

Agnes C. Linton

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 voluntary abandonment on the part of Agnes C. Linton,

It further ordered, that the said Robert Wesley Linton, be, and he 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 Robert Wesley Linton, 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

Agnes C. Linton,

It is further ordered, adjudged and decreed that said Robert Wesley Linton, shall not again marry except to said Agnes C. Linton, until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Agnes C. Linton,

during the said pendency of appeal

This 24 day of July, 1931.

J. W. Hare
Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA,
Baldwin County.

Circuit Court, in Equity.

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 _____, 192____, 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 _____ 192____

Register

RECORDED

RECORDED

NO. 958

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY,
BALDWIN COUNTY, ALA.

Robert W. Linton

VS.

Agnes C. Linton

DECREE OF DIVORCE.

Filed in office this 24th

day of JULY, 1931.

E. O. M.
Register.

Moore Printing Co. : : : Bay Minette, ALA.

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To L.F.Farrell,

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 Robert Wesley Linton and Robert J. Linton

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

Robert Wesley Linton Complainant
and Agnes C. Linton

Defendant,
on oath to be by you administered, upon 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 14th day of July, 1931.

[Signature]
REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

Robert Wesley Linton

Complainant

VS.

Agnes C. Linton,

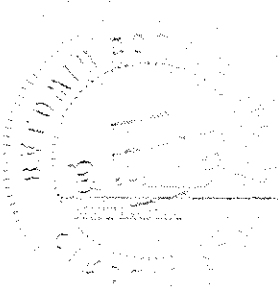
Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

L.F. Farrell,

WITNESSES:



IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DEPOSITIONS OF ROBERT W.
LINTON AND ROBERT J. LINTON,
WITNESSES ON BEHALF OF
PLAINTIFF.

STATE OF ALABAMA)
BALDWIN COUNTY.)

By virtue of a commission issued in the above entitled cause, I have caused Robert W. Linton and Robert J. Linton, witnesses in said case in behalf of the Plaintiff, to come before me, who, being first duly cautioned and solemnly sworn, deposed and testified as follows:

TESTIMONY OF ROBERT WESLEY LINTON

My name is Robert Wesley Linton and I am the Plaintiff in this action for divorce. I was married to the Defendant Agnes C. Linton in Clarkesville, Tennessee on the 3rd day of October, 1925.

I returned to Baldwin County, Alabama in the spring of 1926 and have lived continuously in Baldwin County, Alabama for the past five (5) years and intend to make it my permanent home.

The Defendant only lived with me as my wife about five (5) months, from the 3rd day of October, 1925 to the 22nd day of February, 1926. On this last date she told me that she was going home to her parents; that I was not able to make money enough for her and that she did not like to live away from home and that she was leaving me. I tried to get her to stay but she refused and went home. Shortly after this I quit my job and went to Clarkesville to try and induce her to come back to me but she positively refused and although I stayed around there for almost a month she would not agree to come back and live with me as my wife.

Since that time I wrote her letters asking her to come back but she has never answered any of them.

I do not know where she now is as she has left her parent's home and they either will not or cannot tell me where she is. I have heard from friends that she has since married again but I cannot find where she ever secured a divorce from me.

We have not lived together for more than five (5) years and she has for that length of time abandoned me without any cause. I always treated her well and provided for her to the very best of my ability and there was no reason for her to leave me as she did.

Robert Wesley Linton

TESTIMONY OF ROBERT J. LINTON

My name is Robert J. Linton, I live in Foley, Alabama and I am the father of Robert Wesley Linton, the Plaintiff in this action for divorce.

I did not know his wife before their marriage but after they were married they lived with us during the time they were together. My son worked regularly and provided for his wife to the best of his ability and treated her with every consideration.

She, however, was apparently not satisfied away from her parents; she kept insisting that they go back to Tennessee to farm a place her father owned there. Robert knew nothing about farming and was not willing to do this.

I knew that she was dissatisfied but did not know it was serious until the time she left to go home.

At that time she stated to my son in my presence that she was leaving him and going back to her parents and that she would not live with him any longer and in spite of all he and his mother and I could do or say she did leave. This was in February, 1926 and they had been married just the October before.

After she left I know that my son wrote her several letters asking her to return and my wife and I also wrote two or three times to her but she did not answer any of the letters. After several weeks Robert went to Tennessee for the purpose of getting her to come back to him but she refused and ever since the spring of 1926 he has been

living with us here in Foley and during that time he and his wife have not lived together.

She abandoned him without any cause and we have since been informed that she has remarried although I have employed attorneys to learn where she procured divorce and have never been able to find any record of her having secured a divorce decree.

Robert J. Linton

STATE OF ALABAMA)
BALDWIN COUNTY.)

I, L. F. Farrell, having heretofore and on the 14th day of July, 1931, been appointed commissioner to call before me and examine Robert Wesley Linton and Robert J. Linton, witnesses in behalf of the Plaintiff in the above entitled cause of action, according to the commission attached hereto, did on the 20th day of July, 1931 cause to come before me the said witnesses; and after said witnesses were sworn to speak the truth, the whole truth and nothing but the truth, I examined said witnesses and reduced to writing the answers of said witnesses, as near as may be, in their own language.

That I have personal knowledge of the identity of said witnesses. That I am not of counsel nor of kin to any of the parties to the cause or in any manner interested in the result thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20th day of July, 1931.

L. F. Farrell
Commissioner.

ROBERT WESLEY LINTON,

COMPLAINANT

VS

AGNES C. LINTON,

RESPONDENT

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

BILL OF COMPLAINT.

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

PART ONE.

Your Orator, Robert W. Linton, a resident of the County of Baldwin and State of Alabama and over the age of 21 years respectfully exhibits this his Bill of Complaint against Agnes C. Linton who is also over the age of 21 years but whose residence and place of abode is unknown to your Orator.

PART TWO.

For complaint against the said respondent your Orator represents as follows:

1. That your Orator and the respondent were married in Clarkesville, Tennessee on the 3rd day of October, 1925.

2. That for more than five (5) years last past your Orator has been a bona fide resident of Baldwin County, Alabama with the intention of making it his permanent home.

3. That on the 22nd day of February, 1926 and more than two (2) years next preceding the filing of this Bill said respondent without good cause did voluntarily abandon the bed and board of your Orator and has been guilty of voluntary abandonment of bed and board for more than two (2) years next preceding the filing of this Bill and by reason thereof your Orator is entitled to an absolute divorce from said respondent.


PART THREE.

Wherefore your Orator prays that he may be granted an absolute decree of divorce from the respondent and that he may have

such other and further relief in the premises as may be just and equitable.

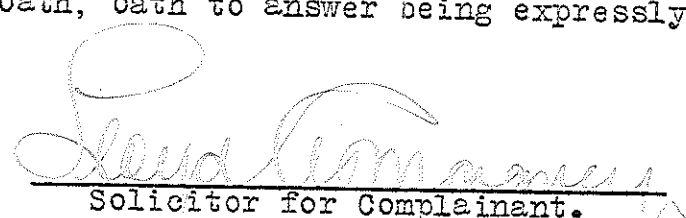
PART FOUR.

And your Orator would further pray that Your Honor direct that the Register of this Court make out and superintend the appropriate order of publication to the non-resident defenant Agnes C. Linton commanding her within thirty (30) days after the period specified in the Order of Publication to appear personally before Your Honor in this Honorable Court and then and there to answer all and singular the premises and to abide such order and decree therein as to this Honorable Court shall seem mete; and your Orator shall ever pray, &c.


Solicitor for Complainant.

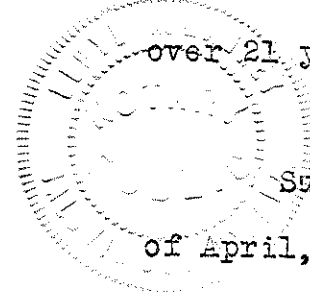
FOOT NOTE.

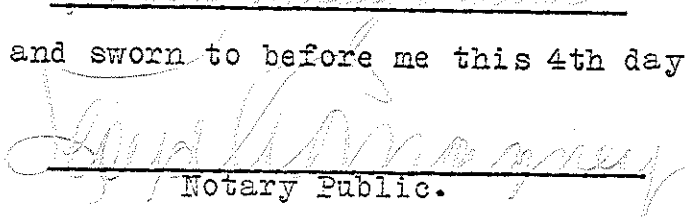
The respondent, Agnes C. Linton is hereby required to answer the allegations of paragraphs numbered 1-3 inclusive of part Two of the foregoing Bill but not under oath, oath to answer being expressly waived.


Solicitor for Complainant.

STATE OF ALABAMA)
)
BALDWIN COUNTY.)

Before me, Lloyd A. Magney, a notary public in and for said County and State personally appeared Robert Wesley Linton who is known to me and being by me first duly sworn deposed and said that he is the Complainant in the above entitled action, that he has heard, read and knows the contents of the foregoing Bill of Complaint and that the same are true. That Agnes C. Linton, the above named respondent is a non-resident of this State and that he has made diligent inquiry to learn her place of resident and has been unable to ascertain the same. That the same Agnes C. Linton is over 21 years of age.

Subscribed in my presence and sworn to before me this 4th day of April, 1931.


Notary Public.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 958

July 23rd ~~1931~~ 1931

Robert Wesley Linton, Complainant

vs.

Agnes C. Linton, 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 Lloyd A. Magney,

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.

Lloyd A. Magney,

Solicitor for Complainant.

No. 958.

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

Robert J. Linton,

VS.

Agnes C. Linton,

REQUEST FOR DECREE IN
VACATION

FILED July 23rd, 1931

192.

Register

RECORDED IN

RECORD

VOL.

PAGE

Register

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 958 July 15 1931 ~~Term 1922~~

Robert Wesley Linton

Complainant..

vs. Agnes C. Linton

Defendant..

In this cause it appears to the Register T. W. Richerson that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the

9th day of April, 1931, in the Baldwin News Herald

a newspaper published in Fairhope, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 9th day of

April 1931, and

And it now further appearing to the Register T. W. Richerson, that the said

Agnes C. Linton

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 T. W. Richerson that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said

Agnes C. Linton

This 13th day of July 1931

T. W. Richerson Register.

No. 958

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The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Robert Wesley Linton

vs.

Agnes C. Linton

**DECREE PRO CONFESSO
OF PUBLICATION**

Issued JULY 18, 1921

Register.

Recorded in Record

Vol. Page

Register.

Moore Printing Company, Bay Minette, Ala.

8581 NOTE OF TESTIMONY

Robert Wesley Linton

vs.

Agnes C. Linton,

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 Robert
Wesley Linton and Robert J. Linton,

and in behalf of Defendant upon

D. W. Reel
Register.

LLOYD A. MAGNEY
ATTORNEY AND COUNSELLOR AT LAW
FOLEY, ALABAMA

April 4, 1931.

Hon. T. W. Richerson,
Register in Chancery,
Bay Minette, Alabama.

Dear Mr. Richerson:-

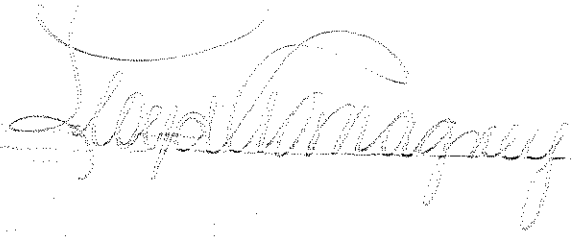
I enclose herewith Bill for divorce in
the case of Robert W. Linton vs Agnes C. Linton.

You will note from the affidavit attached
to the Bill that the defendant is a nonresident
whose place of residence is unknown which will
necessitate the publication of notice.

Will you please prepare proper notice and
cause it to be published in the Baldwin County
News at Robertsdales?

Thanking you for your attention, I am

Very truly yours,



1 encl.
lam/lff

No. 958

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Robert Wesley Linton

VS

Agnes C. Linton,

NOTE OF TESTIMONY

Filed in Open Court this 23rd,

day of July, 1931.

Register

NOTICE TO NON-RESIDENT.

Moore Ptg. Co—Bay Minette.

Robert Wesley Linton

No.

vs.

Agnes C. Linton

The State of Alabama,

BALDWIN County.

Circuit Court, in Equity.

This the 9th day of

April, 1931

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

that the Defendant Agnes C. Linton

is a non-resident of the State of Alabama and that Affiant has made diligent inquiry to learn her place of residence and has been unable to ascertain the same

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 News Herald newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Agnes C. Linton the said Defendant

to answer or demur to the Bill of Complaint in this cause by the 16th day of May 1931, or after thirty days therefrom a decree Pro Confesso may be taken against Agnes C. Linton

Lloyd A. Magney,
Attorney for Complainant.

Register.

STATE OF ALABAMA }
County of Baldwin }

G.G. 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 _____

Notice to Non Resident

Robert Wesley Linton Vs Agnes C. Linton

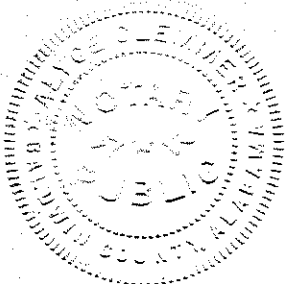
was published in said newspaper for 4 consecutive weeks in the following issues:

Date of first publication	Apr. 16 1931	Vol. 10	No. 1
Date of second publication	Apr 23 1931	Vol. 10	No. 2
Date of third publication	Apr 30 1931	Vol. 10	No. 34
Date of fourth publication	May 7 1931	Vol. 10	No. 4

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

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

NOTICE TO NON-RESIDENT
Robert Wesley Linton vs. Agnes C. Linton.
The State of Alabama, Baldwin County Circuit Court in Equity. This the 9th day of April, 1931.
In this cause it being made to appear to the Clerk of this Court by the affidavit of Robert Wesley Linton that the Defendant Agnes C. Linton is a non-resident of the State of Alabama and that Affiant has made diligent inquiry to learn her place of residence and has been unable to ascertain the same 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 News-Herald, newspaper published in Robertsedale, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Agnes C. Linton the said Defendant to answer or demur to the Bill of Complaint in this cause by the 16th day of May, 1931, or after thirty days therefrom a decree Pro Confesso may be taken against Agnes C. Linton.
T. W. Richerson,
Register.
LLOYD A. MAGNEY,
Attorney for Complainant.
apr16-23-30-may7-45



Subscribed in my presence and sworn to before me, this 20th day of July, 1931.

Alice C. Linton

Cost of Publication \$ 7.20

Cost of Affidavitt, .25

Total \$ 7.45