

TESTIMONY OF WILLIAM J. DONALD.

My name is William J. Donald. I am over the age of twenty-one years and a resident of Bay Minette, Alabama. I have resided in Alabama for more than three years last past. Irma Lee Donald is also a resident of the State of Alabama and over the age of twenty-one years, and she has resided in the State of Alabama for more than three years last past. Irma Lee Donald and I were married on August 29th, 1927, and we lived together as man and wife until June 1st, 1934, on which date the said Irma Lee Donald voluntarily abandoned my bed and board without just cause or legal excuse, and she has remained away from me ever since; that this abandonment was due to no fault on my part.

William J. Donald.

TESTIMONY OF CLAYTON FOSCUE

My name is Clayton Foscue and I am over the age of twenty-one years. I am personally acquainted with William J. Donald and Irma Lee Donald and have known them for over six years. They are both over twenty-one years of age and are residents of Alabama and have been such residents during the time I have known them. The said William J. Donald and Irma Lee Donald have not lived together as man and wife for over two years. They separated about June 1st., 1934, and have not lived together since that time.

Clayton Foscue

237

The State of Alabama, {  
Baldwin County

CIRCUIT COURT

To Mary F. Green:-

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 William J. Donald and Clayton Foscue

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein William J. Donald is

Complainant  
and Irma Lee Donald is

Defendant,

on oath to be by you administered, upon them,  
to take and certify the depositions... of the witnesses... and return the same to our Court, with all convenient speed, under your hand.

Witness 10th day of August 19 36.

R. L. Luck

REGISTER

COMMISSIONER'S FEE, \$ 5.00

WITNESS' FEES, \$ \_\_\_\_\_

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 IRMA LEE DONALD

of MOBILE 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

WILLIAM J. DONALD

against said IRMA LEE DONALD

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, Robert S. Duck, Register of said Circuit Court, this 2nd day of July 1936.

Robert S. Duck Register

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

WILLIAM J. DONALD,  
Complainant,  
-vs-  
IRMA LEE DONALD,  
Respondent.

IN THE CIRCUIT COURT-IN EQUITY  
STATE OF ALABAMA  
BALDWIN COUNTY.  
No. 237.

This cause, coming on to be heard, in vacation, was submitted upon the Bill of Complaint, Decree Pro Confesso and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the complainant is entitled to the relief prayed for in said Bill;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and the Complainant is hereby divorced from the Defendant on account of Voluntary Abandonment from Bed and Board.

The Complainant, William J. Donald, is hereby ordered and directed to pay to the said Irma Lee Donald, for the support of herself and their children, and in full settlement of any claims the said Irma Lee Donald might have for alimony, or any other charges, the sum of Ninety Dollars (\$90.00) per month, which amount shall be paid by the said William J. Donald to the said Irma Lee Donald on the 3rd day of each month, the first payment to be made on September 3rd, 1936, and one on the third day of each successive month thereafter. The said Irma Lee Donald, the Defendant in said cause, is also allowed the custody of the three minor children of the said Complainant and Respondent, the Complainant to have the right to visit his children at any time he sees fit, and shall have the right to have his children visit with him at reasonable times.

It is further ordered that the said William J. Donald and Irma Lee Donald be, and they are hereby, permitted to again contract marriage, upon the payment of the costs of Court in this cause.


It is further ordered that the said William J. Donald

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pay the costs herein taxed, for which execution may issue.

It is further ordered, adjudged and decreed that the said William J. Donald or Irma Lee Donald shall not again marry except to each other until sixty days after this date, and that if an appeal is taken within sixty days they shall not marry again except to each other during the said pendency of appeal.

This 11<sup>th</sup> day of Aug, 1936.

  
\_\_\_\_\_  
Judge of the Circuit Court of  
Baldwin County, Alabama.

The State of Alabama,  
Baldwin County.

No. 257 CIRCUIT COURT IN EQUITY.

WILLIAM J. DONALD,

Complainant

vs.

IRMA LEE DONALD,

Defendant

In this cause it appears to the Register

that a summons requiring the Defendant Irma Lee Donald,

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 her  
which summons was handed to her, and she accepted service thereof on  
~~was served upon~~ by the Sheriff of Baldwin County, Alabama, on the  
the back of the original summons in said cause on the  
2nd day of July 1936.

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 Irma Lee Donald

Defendant aforesaid.

This 10th day of August 1936.

*Richard Deech*

Register.

WILLIAM J. DONALD,  
Complainant,  
-vs-  
IRMA LEE DONALD,  
Defendant.

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

TO THE HON. F. W. HARE, JUDGE OF SAID COURT:-

Your Orator, humbly complaining of the Defendant, in a matter of divorce as will hereinafter appear, shows unto your Honor as follows:-

FIRST:

That both he and the Defendant are resident citizens of the State of Alabama, where they have resided for more than three years last past; that both he and the Defendant are over the age of twenty-one years.

SECOND:

Your Orator further shows unto your Honor that on, to-wit, August 29th, 1927, he and the Defendant were married to each other, and lived together up until June 1st, 1934, as man and wife; that on said last mentioned day the said Defendant, without just cause or legal excuse, voluntarily abandoned the bed and board of your Orator, and has remained away from him ever since; that said abandonment was due to no fault on the part of your Orator.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises, your Orator prays that your Honor will cause the usual Writ of Process to issue to the said Defendant, Mrs. Irma Lee Donald, making her a party defendant to this Bill of Complaint, and requiring her to plead, answer or demur to the same within the time as required by law.

PRAYER FOR RELIEF.

THE PREMISES CONSIDERED, your Orator prays that on a final hearing of this cause that your Honor will grant to him an absolute divorce from the said Defendant, and that your Honor



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will permit both he and the Defendant to again marry if they see fit and so desire. Your Orator prays for such other, further, different and general relief as in equity may seem just and meet, and your Orator will ever pray, etc.

Hybart & Rasou  
Solicitors for Complainant.

FOOT NOTE:-

Defendant is required to answer each and every paragraph of the foregoing Bill of Complaint, from "First" to "Second", inclusive, but answer under oath is hereby expressly waived.

Hybart & Rasou  
Solicitors for Complainant.

RECORDED

INDEXED

6-4-41

No. ....

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**The State of Alabama,**

Baldwin County,

**CIRCUIT COURT, IN EQUITY**

**WILLIAM J. DONALD,**

Complainant,

vs.

**IRMA LEE DONALD,**  
Respondent.

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE**

Issued *September 10th 1941*

*W. J. Donald*  
Register.

Moore Printing Company, Bay Minette, Ala.

*Recd*  
**RECORDED**  
*6-22-28*

Serve on IRMA LEE DONALD

**Circuit Court of Baldwin County**  
IN EQUITY

No. 237

**SUMMONS**

WILLIAM J. DONALD,

Complainant,

vs.

IRMA LEE DONALD,  
Respondent.

HERBERT & CHASON  
Solicitor for Complainant

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

**THE STATE OF ALABAMA,**  
BALDWIN COUNTY

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

day of \_\_\_\_\_, 193\_\_\_\_\_

SHERIFF

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

193\_\_\_\_\_

by leaving a copy of the within Summons with

Defendant

Sheriff

By \_\_\_\_\_  
Deputy Sheriff

I hereby accept service  
of copy of within Summons, and  
waive all further notices of  
service.

Dated July 2nd, 1936.

Witness:

*John R. Brown*  
*Irma Lee Donald*

NO \_\_\_\_\_

**The State of Alabama**  
**BALDWIN COUNTY**  
**CIRCUIT COURT**

**WILLIAM J. DONALD,**  
**Complainant,**

vs. Complainant \_\_\_\_\_

**TOMA LEE DONALD,**

Defendant \_\_\_\_\_

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER:**

**WITNESSES:**

ORAL EXAMINATION

I, Mary F. Green 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 they signed the same in the presence of myself and J. Chason 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 10<sup>th</sup> day of August 1936.

Mary F. Green. (L. S.)

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

WILLIAM J. DONALD,

COMPLAINANT

VS.

IRMA LEE DONALD,

RESPONDENT

ORAL DEPOSITION

Filed August 10<sup>th</sup>, 1936

[Signature], Register

RECORDED IN

Record

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Register

The State of Alabama }  
Baldwin County

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

WILLIAM J. DONALD,

COMPLAINANT

VS.

IRMA LEE DONALD,

RESPONDENT

I, Mary F. Green,

as ~~Register and~~ Commissioner

have called and caused to come before me William J. Donald and Clayton Foscue

witnesses named in the requirement for Oral Examination, on the 1<sup>st</sup> day of August

1936, at the office of Hybart & Chason,

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

truth, the whole truth, and nothing but the truth, the said William J. Donald and

Clayton Foscue doth depose and say as follows:

.....  
 .. WILLIAM J. DONALD, .....  
 ..... Complainant; .....  
 ..... vs. ....  
 .....  
 .. IRMA LEE DONALD, .....  
 ..... Respondent, .....

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, .....  
 Summons, Acceptance of Service by Respondent; Motion for Decree Pro  
 Confesso on Personal Service; Decree Pro Confesso on Personal Service;  
 Testimony of William J. Donald and Clayton Foscoe; Request for Decree  
 in Vacation. ....

and in behalf of Defendant upon .....

*R. Deane*

Register.

STATE OF ALABAMA,  
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. .... Term, 192 .....

WILLIAM J. DONALD, ..... , Complainant ..

vs.

IRMA LEE DONALD, ..... , Defendant ..

To ROBERT S. DUCK ..... , 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 Hybart & Chason,

his ..... 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.

..... Hybart & Chason .....  
Solicitor for Complainant.



The State of Alabama,  
Baldwin County.

No. 237 ... CIRCUIT COURT IN EQUITY.

WILLIAM J. DONALD,

Complainant

VS.

IRMA LEE DONALD

Defendant

Motion is hereby made for a Decree Pro Confesso against Irma Lee Donald,

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since <sup>copy of</sup> ~~service of~~ summons was handed to Defendant and she accepted service thereon on ~~summons upon said Defendant~~ and that said summons was duly served according to law, and back of original summons, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 8th day of August 19 36.

*Hyatt G. Mason* Solicitor.

# CIRCUIT COURT, BALDWIN COUNTY, ALA., IN EQUITY.

No. *279*

*William J. Donald*  
VS.  
*Janice Donald*

PLAINTIFF  
DEFENDANT

## BILL OF COSTS

Fees of Register	Dollars	Cts.	Brought Forward	Total
Filing each bill and other papers.....	\$	10	For receiving, keeping and paying out or distributing money, etc.; 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	60
Issuing each Subpoena .....		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per cent of amount received.	
Issuing each copy thereof .....		40	Each Notice Sent by Mail to creditors.....	15
Entering each return thereof .....		15	Filing, Receipting for and Docketing each Claim, etc...	25
For each Order of Publication .....		1 00	For all entries on Subpoena Docket, etc.....	50
Issuing Writ of Injunction .....		1 50	For all entries on Commission Docket, etc.....	50
For each copy thereof .....		50	Making Final Record, per hundred words.....	15
Entering each return thereof .....		15	Certified Copy of Decree .....	1 00
Issuing Writ of Attachment .....		1 00	Report of Divorce to State Health Office.....	50
Entering each return thereof .....		15	Acts 1915	
Docketing each case.....		1 00	Total Fees of Register.....	12 60
Entering each Appearance .....		25		
Issuing each Decree Pro Confesso on personal service..		1 00	Fees of Sheriff	
Issuing each Decree Pro Confesso on publication.....		1 00	Serving and Returning Subpoena on Deft.....	\$1 50
Each order Appointing Guardian .....		1 00	Serving and Returning Subpoena for Witness.....	65
Any other order by Register .....		50	Levying Attachment.....	1 50
Issuing Commission to Take Testimony .....		50	Entering and Returning same.....	25
Receiving and Filing.....		10	Selling Property Attached .....	
Endorsing each package.....		10	Impaneling Jury.....	75
Entering order Submitting Cause.....		50	Executing Writ of Possession.....	2 50
Entering any other Order of Court.....		25	Collecting Execution for Costs.....	1 50
Noting all Testimony.....		50	Serving and Returning Sci. fa., each.....	65
Abstract of Cause, etc. ....		1 00	Serving and Returning Notice.....	65
Entering each Decree .....		75	Serving and Returning Writ of Injunction.....	1 50
For every 100 words over 500.....		15	Serving and Returning Writ of Exeat.....	1 50
Taking account, etc .....		3 00	Taking and Approving Bonds, Each.....	75
Taking Testimony, etc.....		15	Collecting Money on Execution.....	
Each Report, 500 words or less .....		2 50	Making Deed .....	2 50
For every 100 words over 500 .....		15	Serving and Returning Application,.....	1 00
Amount claimed less than \$500, etc .....		2 00	Serving Attachment, Contempt of Court.....	1 50
Issuing each Subpoena.....		25		
Witness Certificate, each .....		25	Total Fees of Sheriff	
Issuing Execution, each .....		75		
Entering each return .....		15	Recapitulation	
Taking and Approving Bond, each .....		1 00	Register's Fees.....	12 60
Making copy of bill, etc. ....		15	Sheriff's Fees.....	50
Each notice not otherwise provided for .....		50	Commissioner's Fees.....	
Each certificate or affidavit, with seal .....		50	Solicitor's Fees.....	
Each certificate or affidavit, no seal .....		25	Witness Fees.....	
Hearing and passing on application, etc .....		3 00	Guardian Ad Litem.....	
Each settlement with receiver, etc .....		3 00	Printer's Fees .....	
Examining each voucher of receiver, etc.....		10	Trial Tax .....	3 00
Examining each answer, etc .....		3 00	Recording Decree in Probate Court .....	
Recording resignation, etc.....		75		
Entering each certificate to Supreme Court .....		50	Total	20 60
Taking questions and answers, etc .....		25		
For all other service relating to such proceedings.....		1 00		
For service in proceeding to relieve minors, etc same fee as in similar cases.				
Commission on sales, etc.: 1st \$100 2 per cent, all over \$100, and not exceeding \$1,000, 1 1-2 per ct.; all over \$1,000 and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.				
<b>Sub Total Carried Forward</b> .....				

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_\_

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Register.

Mobile, Alabama,

August 8th, 1936.

Judge F. W. Hare,  
Monroeville, Alabama.

Dear Judge:

I have read the attached Decree in the matter of the case of William J. Donald vs. Irma Lee Donald. It is my opinion that the alimony fixed in said Decree is in a reasonable amount, and it is also satisfactory with me that I be awarded the custody of the children, and that they be allowed to visit the said William J. Donald, or that he be allowed to visit them, at any reasonable time.

Yours very truly,

*Irma Lee Donald*