

1161

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

Comes your Complainant, MAMIE A. PROPST, and humbly complaining against the Respondent, FRANK P. PROPST, respectfully represents and shows unto your Honor as follows:

FIRST:

That both your Complainant and the Respondent are bona fide residents of Baldwin County, Alabama, and have been for more than three years next preceding the filing of this bill of complaint; that both are over twenty-one years of age.

SECOND:

That your Complainant and the Respondent were married at Pensacola, in the State of Florida, on September 18, 1906.

THIRD:

That they lived together as husband and wife until on, to-wit, more than three years preceding this date, when the Respondent voluntarily abandoned the bed and board of your Complainant and has remained away voluntarily and continuously since that time.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Frank P. Propst party respondent to this bill of complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing of this cause your Honor will grant unto her a decree of absolute divorce, forever barring the bonds of matrimony existing between her and the said Frank P. Propst; that your Honor will give and grant unto her such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

And as in duty bound your Complainant will ever pray.

Beck & Stace

Solicitors for Complainant.

FOOT NOTE:

The Respondent is required to answer each and every allegation of the foregoing bill of complaint, from Paragraphs "FIRST" to "THIRD" inclusive, but not under oath, oath being hereby expressly waived.

Beck & Stace

Solicitors for Complainant.

RECORDED

MAHIE A. PROPST,
Complainant

vs

FRANK P. PROPST,
Respondent

BILL OF COMPLAINT

Filed this the 27th day of
February, 1933.

D. Macdonald
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 FRANK PROPST

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

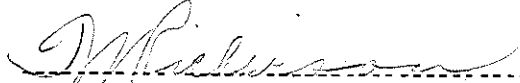
MAMIE A. PROPST

against said FRANK PROPST

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 27th day of

February 19233

 Register.

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

Original
Doc 4

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this *27*

day of *February* 192*3*

Sheriff.

Executed this *27* day of

February 192*3*

by leaving a copy of the within Summons with

Frank Propst

Defendant.

W R Stuart

Sheriff.

By *M H Williams*

Deputy Sheriff.

Mamie A. Propst

vs.

Frank Propst

Beck & Hall

Solicitor for Complainant

Recorded in Vol. Page

MAMIE A. PROPST
vs.
FRANK PROPST

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

and in behalf of Defendant upon

Register.

No. 1174-1175

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Manie A. Propst

VS

Frank Propst

NOTE OF TESTIMONY

Filed in Open Court this 7

day of March 1933

W. Richardson

Register

Mamie A. Propst,
Complainant
vs

In The Circuit Court of Baldwin
County, Alabama.

Frank P. Propst,
Respondent

IN EQUITY

Comes the Respondent and waives notices of the time of taking testimony on behalf of the Complainant; the right to cross-examine the witnesses on behalf of the Complainant; and consents that the matter may be submitted for final decree forthwith without further notice.

Frank P. Propst
Respondent.

RECORDED

Waiver of notice
as to taking testimony

Filed February 27, 1933

D. M. Richardson
Register

The State of Alabama }
Baldwin County

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

Mamie A. Propst

COMPLAINANT

VS.

Frank P. Propst

RESPONDENT

I, T. W. Richerson

as Register and Commissioner

have called and caused to come before me Mamie A. Propst and Frank Propst

witnesses named in the Requirement for Oral Examination, on the 28 day of February

1933, at the office of T. W. Richerson

in Bay Minette, Alabama, and having first sworn said witness^{es} to speak the

truth, the whole truth, and nothing but the truth, the said Mamie A. Propst

doth depose and say as follows:

My name is Mamie A. Propst. I am a bona fide resident of Baldwin County, Alabama, and have been for more than three years next preceding the filing of the bill of complaint in this cause. The respondent is also a resident of Baldwin County, Alabama. We are both over twenty-one years of age.

The respondent and I were married at Pensacola, in the state of Florida, on the 18th day of September, 1906.

We lived together as husband and wife until, on-wit: the early part of the year 1928. In the early part of the 1928 the respondent voluntarily abandoned the bed and board of the Complainant and has remained away voluntarily and continuously since that time. That the Complaint gave the respondent no cause for abandoning her, and has since that time given him no reason for remaining away.

Mamie A. Propst

Frank Propst, a witness for the Complainant being first duly sworn, deposes and says:

My name is Frank Propst. I am a son of the complainant and respondent in this cause. I have been living with my folks all my life. I am now twenty-two years old.

My father and mother lived together as husband and wife until the early part of the 1928, when my father, the respondent in this cause, voluntarily abandoned the bed and board of my Mother, the complainant; that he has remained away voluntarily and continuously since that time. I know that my Mother gave the respondent no reason for abandoning her, and has given him no cause for remaining away.

Frank A. Propst

RECORDED

Waiver of notice
as to taking testimony

Filed February 27, 1933
D. M. Richardson
Register

ORAL EXAMINATION

I, T. W. Richardson, as Register and Commissioner hereby certify that the foregoing deposition^s on Oral Examination was taken down in writing by me in the words of the witness^{es} and read over to them and they signed the same in the presence of myself H. M. Hall 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 28th day of February 19 33.

T. W. Richardson (L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

MAMIE A. PROBST
COMPLAINANT

VS.

FRANK PROBST

RESPONDENT

ORAL DEPOSITION

Filed FEBRUARY 28, 19 33

T. W. Richardson, Register
RECORDED IN

Record

Vol. _____ Page _____

Register

MAMIE A. PROPST,
Complainant,
vs.

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

FRANK P. PROPST,
Respondent.

This cause coming on to be heard, was submitted on the original bill of complaint on behalf of the complainant, answer and agreement of the respondent, 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 the respondent be and the same are hereby dissolved and the complainant is forever divorced from the respondent on the ground of voluntary abandonment.

It is further ORDERED that the said Mamie A. Propst 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 Frank P. Propst pay the costs herein taxed, for which execution may issue.

It is further ORDERED, ADJUDGED and DECREED that the said Mamie A. Propst shall not again marry, except to the said Frank P. Propst, until sixty days after this date, and that if an appeal is taken within sixty days, she shall not marry again, except to the said Frank P. Propst, during the pendency of the appeal.

It is further ORDERED, ADJUDGED and DECREED that the said Frank P. Propst be and he is hereby permitted to again contract marriage upon the payment of costs in this cause.

Dated at Bay Minette, Alabama, on this the
2nd day of March, 1933.

J. M. Hare
Judge of the Circuit Court of
Baldwin County, Alabama.

RECORDED

De Ore
Filed March 1, 1933
J M Robinson
Registrar

RECORDED

Mamie A. Propst,
Complainant

vs

Frank P. Propst,
Respondent

In The Circuit Court of Baldwin
County, Alabama.

IN EQUITY

Comes the respondent and for answer to the Complainant's bill of complaint heretofore filed in this cause, and to each count thereof, separately and severally, says:

He denies the allegations contained therein and demands strict proof of the same.

Frank P. Propst
Respondent

RECORDED

Answer of
Respondent

Filed February 27, 1933

W. Richardson
Register