

1114

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To Mary 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 Marie Nash and Herbert Cyril Brenon

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

Complainant
and Aline Ozyment Brenon

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

Witness 12th day of Sept. 1933

M. A. Stone

REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

NO. _____

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

Herbert Cyril Brenon

vs. Complainant

Aline Ozment Brenon

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Mary Green

WITNESSES:

Marie Marks

Herbert Cyril Brenon

8550 REQUEST FOR DECREE IN VACATION.

MOORE-PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. _____ Term, 192 _____

HERBERT CYRIL BRENON

_____, Complainant

vs.

ALINE OZMENT BRENON

_____, Defendant

To M. A. STONE, 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, Heard & Chason,

_____, 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, Heard & Chason
Solicitor for Complainant.

No.

Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

VS.

REQUEST FOR DECREE IN
VACATION

FILED

Sept 1848

1923

Wm. A. Stone

Register

RECORDED IN RECORD

VOL. PAGE

Register

HERBERT CYRIL BRENON,

Complainant,

-VS-

ALINE OZMENT BRENON.

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 attached to the Bill of Complaint in this cause that the Defendant, Aline Ozment Brenon, is a non-resident of the State of Alabama, residing at Yonkers in the State of New York, a more specific address being unknown;

It is therefore ordered that the Defendant, Aline Ozment Brenon, be and she is hereby required to answer, or demur to said Bill of Complaint before the _____ day of July, 1935.

It is further ordered that this order of publication be published in the Jolly Outlook, a newspaper published at Jolly 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 Courthouse of Baldwin County, Alabama, and that another copy thereof be sent by mail to said Defendant and addressed Yonkers, New York, which copies 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 and seal on this the 17 day of May, 1935.

T. W. Richerson
Register.

HERBERT CYRIL BRENON'

Complainant'

-vs-

ALINE OZMENT BRENON'

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

ORIGINAL BILL OF COMPLAINT.

TO THE HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA--
EQUITY SIDE, and THE HON. FRANCIS W. HARE, JUDGE THEREOF:-

Comes your Complainant, Herbert Cyril Brenon, and exhibits this, his Bill of Complaint against the Respondent, Aline Ozment Brenon, and as grounds thereof shows as follows:-

FIRST:

That your Complainant and Respondent are of sound mind and over the age of twenty-one years; that your Complainant is a bona fide resident of the State of Alabama, residing at Fairhope, Alabama, and that the Respondent is a non-resident of the State of Alabama whose residence is unknown to your Complainant; that your Complainant has been a bona fide resident of this County for more than three years next preceding the filing of this Bill of Complaint.

SECOND:

That your Complainant and the Respondent were married heretofore on' to-wit' January 1st' 1929' and lived together as husband and wife until the Respondent without just cause or legal excuse voluntarily deserted and abandoned your Complainant on' to-wit' about the 2nd day of January' 1931. That such abandonment and desertion took place in Baldwin County, Alabama, and has continued without interruption for more than two years before the filing of this Bill of Complaint.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED. Complainant prays that Respondent be made a party to this cause by the usual processes of this Court.

That upon a final hearing hereof your Honor will render, adjudge and decree that the Bonds of matrimony heretofore existing between your Complainant and Respondent be forever dissolved, and

(page two)

that your Complainant be again permitted to contract marriage should he so desire' and that there be granted such other or different relief to which your Complainant may be entitled in equity and good conscience. And as in duty bound your Complainant will ever pray.

Herbert C. J. Benson

FOOT-NOTE:-

Respondent is required to answer each and every paragraph of the foregoing Bill of Complaint from "First" to "Second", inclusive.

Wybort, Heard & Thoson
Solicitors for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

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

That his name is Herbert Cyril Brenxon; that he is a resident of the State of Alabama; that Aline Ozment Brenxon, the Defendant in that certain case in the Circuit Court--Equity Side, styled, "Herbert Cyril Brenxon vs. Aline Ozment Brenxon", is a non-resident of the State of Alabama residing somewhere in Yonkers, New York, and that a more specific address is unknown to him.

Herbert Cyril Brenxon

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 12th day of May, 1933.

R. J. Leonard

Notary Public, Baldwin County,
State of Alabama.

HERBERT CYRIL BRENON,

Complainant,

-VS-

ALINE OZMENT BRENON.

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 attached to the Bill of Complaint in this cause that the Defendant, Aline Ozment Brenon, is a non-resident of the State of Alabama, residing at Yonkers in the State of New York, a more specific address being unknown;

It is therefore ordered that the Defendant, Aline Ozment Brenon, be and she is hereby required to answer or demur to said Bill of Complaint before the 24th day of July, 1953.

It is further ordered that this order of publication be published in the Joley Outlook, a newspaper published at Joley, 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 Courthouse of Baldwin County, Alabama, and that another copy thereof be sent by mail to said Defendant and addressed Yonkers, New York, which copies 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 and seal on this the 17 day of May, 1953.

T. W. Richerson
Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

} CIRCUIT COURT, IN EQUITY.

} No. Term, 19.....

HERBERT CYRIL BRENON

Complainant.....

vs. ALINE OZMENT BRENON

Defendant.....

In this cause it appears to the Register M. A. Stone that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 25th day of May, 1933, in the Foley Onlooker a newspaper published in Baldwin Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 25th day of May 1933, and

And it now further appearing to the Register M. A. Stone, that the said

Aline Ozment Brenon

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 M. A. Stone that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Aline Ozment Brenon.

This 2nd day of October, 1933.

M. A. Stone
Register.

RECORDED

No. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY

vs.

DECREE PRO CONFESSO ON
PUBLICATION.

Issued Sept - 18 - 1933

M. A. Stone

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Foley, Ala., June 16, 1933

M Hon. T. W. Richerson,

Bay Minette, Ala.
IN ACCOUNT WITH

BARCHARD PUBLISHING CO.

The Foley Onlooker

Robertsdale American

HIGH QUALITY JOB PRINTING

Balance as shown in last statement.

May 25

Legal

4-t

10 44

ORDER OF PUBLICATION AS TO NON-RESIDENT DEFENDANT

Herbert Cyril Brenon,
Complainant,

vs.

Aline Ozment Brenon,
Respondent.

In the Circuit Court—Equity Side.

State of Alabama, }
Baldwin County. }

It being shown and made to appear by the Affidavit attached to the Bill of Complaint in this cause that the Defendant, Aline Ozment Brenon, is a non-resident of the State of Alabama, residing at Yonkers in the State of New York, a more specific address being unknown;

It is therefore ordered that the Defendant, Aline Ozment Brenon, be and she is hereby required to answer, or demur to said Bill of Complaint before the 10th day of July, 1933.

It is further ordered that this order of publication be published in the Foley Onlooker, a newspaper published at Foley, 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 Courthouse of Baldwin County, Alabama, and that another copy thereof be sent by mail to said Defendant and addressed Yonkers, New York, which copies shall be posted and sent by mail within twenty days from the making of this order.

non-resident of the State of Alabama, residing at Yonkers in the State of New York, a more specific address being unknown;

It is therefore ordered that the Defendant, Aline Ozment Brenon, be and she is hereby required to answer, or demur, before

It is of pub
Foley
ed at
English
lation
the co

the 10th day of July, 1933.
further ordered that this order
lication be published in the
Onlooker, a newspaper publish-

a copy of the above notice, as per clipping
attached, was published weekly in the regular and
entire issue of said newspaper, and not in any
supplement thereof, for (4) consecutive weeks,
commencing with the issue dated May 25, 1933
and ending with the issue dated June 15, 1933

In witness whereof, the said T. W. Richerson hereunto sets his hand and seal on this the 11th day of May, 1933.
T. W. RICHERRSON,
Register.

25-1-8-15

AFFIDAVIT OF PUBLICATION.
I, V. V. Barchard, Manager,
Barchard Publishing Company,
published weekly at Foley, Ala., do solemnly swear
that a copy of the above notice, as per clipping
attached, was published weekly in the regular and
entire issue of said newspaper, and not in any
supplement thereof, for (4) consecutive weeks,
commencing with the issue dated May 25, 1933
and ending with the issue dated June 15, 1933

V. V. Barchard, Mgr.

Subscribed and sworn to before me this 16
day of June, 1933

Notary Public

ORAL DEPOSITION

The State of Alabama
Baldwin County

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

HERBERT CYRIL BRENON

COMPLAINANT

VS.

ALINE OZMENT BRENON

RESPONDENT

I, MARY GREEN.
Anderson Stone,

as ~~Register and~~ Commissioner

have called and caused to come before me Marie Mask and Herbert Cyril Brenon

witnesses named in the Requirement for Oral Examination, on the 12th day of September

1933, at the office of the Register

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

truth, the whole truth, and nothing but the truth, the said Marie Mask and Herbert

Cyril Brenon doth depose and say as follows:

TESTIMONY OF MARIE MASK.


My name is Marie Mask. I am over the age of twenty-one years and a resident of Baldwin County, Alabama. I am personally acquainted with Herbert Cyril Brennon and Aline Ozment Brennon. I know of my own knowledge that they lived together as man and wife until the 2nd day of January, 1933, at which time Aline Ozment Brennon deserted and abandoned Herbert Cyril Brennon and they have not lived together since as man and wife. That said desertion and abandonment took place more than two years before the filing of the Bill of Complaint, and has continued without interruption.

Marie Mask

TESTIMONY OF HERBERT CYRIL BRENON.

My name is Herbert Cyril Brenon. I am the Complainant in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, Equity Side, styled Brenon vs. Brenon. I was, upon the 2nd day of January, 1935, over the age of twenty-one years and am a bona fide resident of Baldwin County, Alabama, residing at Fairhope, Alabama, and have been such a resident for more than three years next preceding said date. Aline Ozment Brenon is a non-resident of the State of Alabama and her residence is unknown to your Complainant and cannot be ascertained by due diligence on his part.

I was married to Aline Ozment Brenon on, to-wit, January 1st, 1929, and we lived together as man and wife until the 2nd day of January, 1931, at which date Aline Ozment Brenon 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.



Sworn to and subscribed before
me, this 12th day of September,
1935.

ORAL EXAMINATION

I, Mary Green, 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 witnesses and read over to them and they signed the same in the presence of myself _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witnesses; 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 12th day of September 19 33.

Mary Green (L. S.)

No. _____	Page _____
The State of Alabama	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY	

VS.	COMPLAINANT

RESPONDENT	

ORAL DEPOSITION	
Filed <u>Sept 12</u> , 19 <u>33</u>	
RECORDED IN _____	

Vol. _____	Page _____
Register _____	

8581 NOTE OF TESTIMONY

HERBERT CYRIL BRENON

vs.

ALINE OZMENT BRENON

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, Request for Decree in Vacation,
Note of Testimony, Testimony of Mrs. Marie Mask and Herbert Cyril
Brenon.....

and in behalf of Defendant upon.....

M. C. Stone

Register.

RECORDED

No. _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

VS

NOTE OF TESTIMONY

Filed in Open Court this 18

day of Sept 1933

Wm. A. Stone

Register

HERBERT CYRIL BRENON,

Complainant,

-vs-

ALINE OZMENT BRENON,

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

DECREE OF DIVORCE.

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

It is further ordered that the Complainant, Herbert Cyril Brenon, 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 Aline Ozment Brenon 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 Herbert Cyril Brenon.

It is further ordered, adjudged and decreed that the said Herbert Cyril Brenon shall not again marry except to Aline Ozment Brenon until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Aline Ozment Brenon during the said pendency of appeal.

Dated this 3rd day of October, 1933.

J. W. Hare
Judge of the 21st Judicial Circuit.