

256

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

PEARL STEWART, Complainant

vs.

WILLIS STEWART, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication 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 that the said PEARL STEWART is forever divorced from the said

WILLIS STEWART

for and on account of Abandonment, and the complainant is given the right to use her maiden name of Pearl McWhorter.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that Pearl Stewart be, and she is hereby permitted to again contract marriage upon the payment of the cost of this suit.

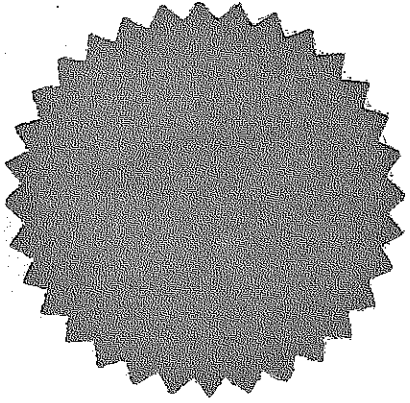
It is further ordered that Pearl Stewart the Complainant, pay the cost herein to be taxed, for which execution may issue.

This 16th day of November, 1936.

F. W. Hare

Judge Circuit Court, in Equity.

I, Robert S. Duck, Register of the Circuit Court for Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.



Witness my hand and seal this the day

of November, 1936.

Register of Circuit Court, in Equity.

The State of Alabama }
Baldwin County

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

PEARL STEWART

COMPLAINANT

VS.

WILLIS STEWART

RESPONDENT

I, JOYCE GANUS

as Register and Commissioner

have called and caused to come before me Pearl Stewart, and Leonard Griggs,

witness^s named in the requirement for Oral Examination, on the 5th day of November
1936, at the office of Orvis M. Brown,

in Robertsdale, Alabama, and having first sworn said witness^{es} to speak the
truth, the whole truth, and nothing but the truth, the said Pearl Stewart, and

Lenord Griggs doth depose and say as follows:

Testimony of Pearl Stewart

My name is Pearl Stewart, I live at Loxley, Alabama, and have lived here in Baldwin County and the State of Alabama for the past three years next immediately proceeding the fileing of this cause of action. I am over twenty one years of age and Willis Stewart is also over twenty one years of age. Willis Stewart and I were married in Gallatin, Tenn. , on or about the 29th day of May, 1927, and we lived to-gether as husband and wife from that time until about April 16th, 1933, at which time Willis left me without any cause on my part and against my will and desires, I tried to get him not to leave but he did so against my will and desire, since that time we have not lived to-gether. There was not any childern born to us of this marriage. I have at all times been ready and willing to take him back but he has constantly refused to return to me and in the past two years I have not even known his whereabouts. He has not provided for me in any way since that he deserted me in April of 1933.

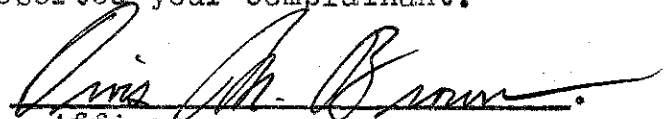
Pearl Stewart

STATE OF ALABAMA


COUNTY OF BALDWIN

SEPTEMBER 8th, 1936

Before me personally appeared Orvis M. Brown, who, being duly sworn, says that he is solicitor for Complainant in the case of Pearl Stewart against Willis Stewart; that respondent Willis Stewart's residence is unknown, that in April, 1933 the said Willis Stewart, deserted your Complainant and that she has not seen nor heard from him since; that Complainant Pearl Stewart, and Respondent, Willis Stewart, were both and are both over the age of twenty-one years; that they were married in Gallatin, Tenn., in May of 1927; that Pearl Stewart and Willis Stewart were residents of Gallatin, Tenn., when the respondent Willis Stewart, deserted your complainant.


Affiant.

Subscribed and sworn to before me, and signed in my presence this 8th day of September, 1936.


~~Clerk of The Circuit Court.~~
Register in Chancery.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To JOYCE GANUS:

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

Pearl Stewart and Lenord Griggs,

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

Complainant

and Willis Stewart is

Defendant,

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

Witness 28th day of October 19 36

Robert S. Duck

REGISTER

COMMISSIONER'S FEE, \$ 15.00

WITNESS' FEES, \$

PEARL STEWART, complainant, prays that

Your Complainant, the jurisdiction of the cause made by this bill

of complaint, will cause notice thereof to be served on the

Vs.

IN THE CIRCUIT COURT OF BALDWIN

respondent, Willis Stewart, according to the laws of

COUNTY, ALABAMA

WILLIS STEWART, Respondent, the laws of the State in such matters

IN EQUITY, No. _____

receiving him to answer, plead or demur within the time allowed

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA, IN EQUITY.

And Your Complainant further prays that upon the
Your Complainant Pearl Stewart, exhibits this, her

bill of complaint against Willis Stewart and respectfully
shows unto your honor as follows:

Your complainant and the said Willis Stewart, granting her

First:

That Complainant has been a bona fide resident of the
State of Alabama, and Baldwin County, for more than three years,
next immediately preceding the filing of this Bill of Complaint;
that both the respondent and complainant are over the age of
twenty-one years and that complainant married respondent on or
about May 29th, 1927 in the city of Gallatin, Tenn., and further
that there are no fruits of said marriage.

Second:

Complainant alleges and avers that the respondent lived
with her as husband and wife from May 29th, 1927, to on or about
April 16th, 1933, at which time the respondent voluntarily
left the bed and board of your complainant without cause or
fault on her part and has never returned to your complainant, nor
cohabited with her as husband and wife from the middle of April
1933 to the date of the filing of this bill. Said abandonment
by respondent continuing for more than two years, next,
preceding the filing of this bill.

PRAYER FOR PROCESS:

PEARL STEWART,
Complainant,

Vs.

WILLIS STEWART,
Respondent.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

IN EQUITY, No. _____.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY.

Your Complainant Pearl Stewart, exhibits this, her bill of complaint against Willis Stewart and respectfully shows unto your honor as follows:

First:

That Complainant has been a bona fide resident of the State of Alabama, and Baldwin County, for more than three years, next immediately preceding the filing of this Bill of Complaint; that both the respondent and complainant are over the age of twenty-one years and that complainant married respondent on or about May 29th, 1927 in the city of Gallatin, Tenn., and further that there are no fruits of said marriage.

Second:

Complainant alleges and avers that the respondent lived with her as husband and wife from May 29th, 1927, to on or about April 16th, 1933, at which time the respondent voluntarily left the bed and board of your complainant without cause or fault on her part and has never returned to your complainant, nor cohabited with her as husband and wife from the middle of April 1933 to the date of the filing of this bill. Said abandonment by respondent continuing for more than two years, next, preceding the filing of this Bill.

PRAYER FOR PROCESS:

The premises considered, your complainant prays that Your Honor will take jurisdiction of the cause made by this bill of complaint, will cause notice thereof to be served on the respondent, Willis Stewart, according to the rules of this Honorable Court and the laws of the State in such matters pertaining, and make him respondent to said Bill of Complaint requiring him to answer, plead or demur within the time allowed by law.

PRAYER FOR RELIEF:

And Your Complainant further prays that upon the final hearing of this complaint Your Honor will grant her a decree dissolving the bonds of matrimony now existing between your complainant and the said Willis Stewart, granting her an absolute divorce, granting her the right to marry again, and granting her the right to use her maiden name of Pearl McWhorter and your complainant prays for such other and further relief as in Equity and good conscience she may be entitled to in the premises for which she will ever pray.


Solicitor for Complainant.

Foot Note.

The respondent is required to answer, but not under oath the same being hereby expressly waived, as to each and every paragraph of the foregoing Bill of Complaint, numbering from One to Two both inclusive.


Solicitor for Complainant.

NO. _____

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

Pearl Stewart

Complainant

vs.

Willis Stewart

Defendant

COMMISSION TO TAKE DEPOSITION

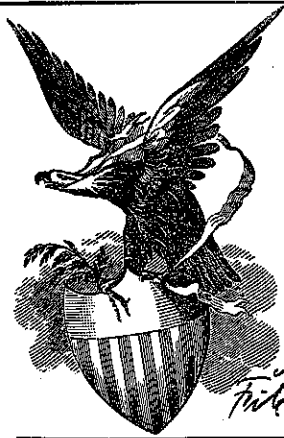
COMMISSIONER:

Joyce Gannus

WITNESSES:

Pearl Stewart

Leonard Griggs.



November 17th 1936

Received from Clair M. Brown, aty
Five and 00/100 Dollars

Commission for Pearl Stewart vs. Willis

Stewart
File # 256

Joyce James
Commissioner

8601. Motion for Decree Pro Confesso on Publication.

MOORE PRINTING CO., BAY MINETTE, ALA.

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. Fall, Term, 1936

Pearl Stewart, Complainant..

Vs.

Willis Stewart, Defendant..

Motion is hereby made for a Decree Pro Confesso against Willis Stewart

..... 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 6th day of November 1936

Clair M. Brown
Solicitor.

746 Code

Duck
RECORDED

No. _____ Page *7-2* _____

**State of Alabama,
Baldwin County.**

CIRCUIT COURT, IN EQUITY.

Complainant _____

Vs.

Defendant _____

**Motion for Decree Pro Confesso
On Publication.**

Filed *May 16* _____, 193*9*

R. Duck

Register.

Recorded in _____ Record,

Vol. _____ Page _____

Register,

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. Fall Term, 1936

Pearl Stewart

Complainant

vs. Willis Stewart,

Defendant

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

10 day of Sept, 1936, in the Fairhope Courior

a newspaper published in Baldwin Alabama, that a copy of said order was posted

at the Court House door in Baldwin County, on the 8 day of

Sept 1936, and

And it now further appearing to the Register Robert S. Duck, that the said

Willis Stewart,

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 Complainants, ordered and decreed by the Register S

that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Willis Stewart

This 6th day of November 1936

Robert S. Duck

Register

Duck
RECORDED

No.

Page 7-2

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

vs.

**DECREE PRO CONFESSO
OF PUBLICATION**

Issued

Jan 6 1936
R. S. Deuel

Register.

Recorded in Record

Vol. Page

Register.

THE FAIRHOPE COURIER

ERNEST B. GASTON, EDITOR AND PUBLISHER

A PROGRESSIVE PAPER FOR PROGRESSIVE PEOPLE

ESTABLISHED 1894

FAIRHOPE, ALABAMA

This is to certify that the
attached legal notice appeared
in the following issues of the
Fairhope Courier: Sept. 10
17, 24 and Oct. 1.

A. J. Gaston
Business Mngr.

*Subscribed and sworn to before me
this 20th day of Oct. 1936*

to Non-Resident
EQUITY IN THE
IT COURT OF BALDWIN
COUNTY
At Bay Minette, Alabama.
PEARL STEWART, Complainant,
vs.
WILLIS STEWART, Respondent.
This the 8th day of May, 1936
In this cause it being made to
appear to the Clerk of this Court
by the affidavit of Orvis M. Brown,
Attorney for the Complainant, that
the Respondent, Willis Stewart, is
a non-resident of the State of Ala-
bama, and that service of sum-
mons cannot be had in the State of
Alabama, and further, that, in the
belief of said affiant the respond-
ent is over the age of 21 years; it
is therefore ordered that publica-
tion be made in The Fairhope Couri-
er, a newspaper published in Bald-
win County, Alabama, for four con-
secutive weeks, requiring Willis
Stewart the said respondent to an-
swer or demur to the Bill of Com-
plaint in this cause by the 29th day
of October, 1936, or after thirty
days therefrom a decree Pro Con-
fesso may be taken against the said
Willis Stewart.
ROBERT S. DUCK,
Register in Chancery
ORVIS M. BROWN,
Attorney for Complainant. 6-4t

 Pearl Stewart,

 vs.

 Willis Stewart,

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, _____
 and the testimony of Pearl Stewart and Leonard Griggs,

and in behalf of Defendant upon _____

R. S. Dyer

Register.

RECORDED
Duck
7-3

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this 12

day of Mar 1936

R. Duck

REGISTER

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Fall Term, 193 6

Pearl Stewart, Complainant

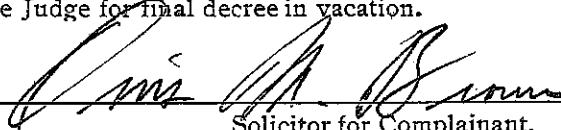
Vs.

Willis Stewart, Defendant

To Hon. 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 Orvis M. Brown,

_____ 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.


Solicitor for Complainant.

Deck
RECORDED

No. _____ Page 7-3

The State of Alabama,
Baldwin County.
CIRCUIT COURT, IN EQUITY

Vs.

REQUEST FOR DECREE IN
VACATION

Filed Mar 12, 1934

R. S. Duval
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.