

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 413

June Term, 1938

JANIE KING JERNIGAN,

, Complainant

Vs.

J. H. JERNIGAN,

, Defendant

To R. 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 BEEBE, HALL & BEEBE,

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.

BEEBE, HALL & BEEBE,

Solicitor for Complainant.

JANIE KING JERNIGAN,
Complainant,
VS.
J. H. JERNIGAN,
Respondent.

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

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

Comes your Complainant, JANIE KING JERNIGAN, and humbly complain-
ing against the Respondent, J. H. JERNIGAN, respectfully represents and shows
unto your Honor and this Honorable Court as follows:

1. That both your Complainant and the Respondent are over twenty-
one years of age and bona fide residents of the State of Alabama, and have been
for more than three years next preceding the filing of this Bill of Complaint;
that your Complainant lives at Bay Minette, in Baldwin County, Alabama, and that
the Respondent is temporarily sojourning at 1009 Delaware Street, Mobile, Ala-
bama.

2. That your Complainant and the Respondent were married at
Carney, in Baldwin County, Alabama, on to-wit, June 23rd, 1934, and lived to-
gether as husband and wife, in Baldwin County, Alabama, until on to-wit, Septem-
ber, 1935.

3. That on to-wit, in September, 1935, the Respondent voluntarily
abandoned the bed and board of your Complainant and has remained away voluntarily
and continuously since that time; that during said time the Respondent has con-
tributed nothing toward the support of the Complainant.

WHEREFORE, the premises considered, Complainant prays that your
Honor will, by proper process, make the said J. H. JERNIGAN 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 Honor-
able Court.

Complainant prays that upon a final hearing of this cause, your
Honor will give and grant unto her a decree of absolute divorce, forever barring
the bonds of matrimony existing between her and the Respondent, J. H. JERNIGAN;
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 she will ever pray.

Bechstein & Behe
Solicitors for Complainant.

FOOT NOTE:

The Respondent, J. H. JERNIGAN, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 3, inclusive, but not under oath, oath being hereby expressly waived.

Bechstein & Behe
Solicitors for Complainant.

The State of Alabama,
Baldwin County.

{ No. 413 CIRCUIT COURT IN EQUITY.

JANIE KING JERNIGAN, Complainant

vs.

J. H. JERNIGAN, Defendant

Motion is hereby made for a Decree Pro Confesso against

J. H. JERNIGAN, Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant...ha...s failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 13th day of June 19 38

BEEBE, HALL & BEEBE, Solicitor, s

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

J. H. JERNIGAN

1009 Delaware St., Mobile, Alabama.

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

JANIE KING JERNIGAN,

against said J. H. JERNIGAN,

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 5th day

of May 1938

R. S. Duck Register

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

The State of Alabama,
Baldwin County.

No. 413 CIRCUIT COURT IN EQUITY.

JANIE KING JERNIGAN,

Complainant

vs.

J. H. JERNIGAN,

Defendant

In this cause it appears to the Register, R. S. Duck,
that a summons requiring the Defendant

J. H. JERNIGAN,

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 him
was served upon by the Sheriff of Mobile County, Alabama, on the
10th day of May 19. 38

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 Beebe, Hall & Beebe,

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 J. H. Jernigan

Defendant aforesaid.

This 13th day of June 19 38

R. S. Duck

Register.

JANIE KING JERNIGAN,

Complainant,

vs.

J. H. JERNIGAN,

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, _____

Decree Pro Confesso on personal service; Testimony of Janie

King Jernigan and Mary Ruth Argiro; Request for decree in vacation;

and in behalf of Defendant upon _____

R. S. Welch
Register.

JANIE KING JERNIGAN,
Complainant,
VS.
J. H. JERNIGAN,
Respondent.

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

This cause coming on to be heard was submitted upon the original Bill of Complaint, Decree Pro Confesso and Testimony as noted by the Register, and the Court, after due consideration, is of the opinion that the Complainant is entitled to the relief prayed for.

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 Complainant be, and she is hereby permitted to again contract marriage upon the payment of the costs in this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs herein taxed, for which execution may issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said JANIE KING JERNIGAN shall not again marry, except to the said J. H. JERNIGAN, until sixty days after this date, and that if an appeal is taken within sixty days, she shall not again marry, except to the said J. H. JERNIGAN, during the pendency of the appeal.

Dated at Monroeville, Monroe County, Alabama, this 17th
day of June, 1938.

F. W. Hare
Judge of the Circuit Court of
Baldwin County, Alabama.

RECORDED *Duel*
2-367

No. 413

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

JANIE KING JERNIGAN,
Complainant,

vs.

J. H. JERNIGAN,
Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 16th
day of June 1938

P. S. Duel

REGISTER

RECORDED *Duch*
9-461

No. _____ Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

JANIE KING JERNIGAN,

Complainant,

vs.

J. H. JERNIGAN,

Respondent.

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed June 13, 1938

R. S. Duch

Register.

Recorded in _____ Record,

Vol. _____ Page _____

Register.

FINAL DECREE;

JAMIE KING JERNIGAN,
Complainant,

VS.

J. H. JERNIGAN,
Respondent.

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

Filed this *18* day *June* *1938*
R. S. Deed
Clerk-Register

RECORDED *Book*
7-26/

No. 4150 Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

JANIE KING JERNIGAN,
Complainant,

vs.

J. H. JERNIGAN,

Respondent.

DECREE PRO CONFESSO ON
PERSONAL SERVICE

Issued June 13, 1938

R. S. Duck
Register.

Moore Printing Company, Bay Minette, Ala.

346
1009 Delaware St.,
Mobile, Ala.
RECORDED
2-25-38

Serve on _____
Circuit Court of Baldwin County
IN EQUITY

No. 413

SUMMONS

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JANIE KING JERNIGAN,

Complainant,

vs.

J. H. JERNIGAN,

Respondent.

BEEBE, HALL & BEEBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____, 1938

SHERIFF

Executed this 20 day of _____

by leaving a copy of the within Summons with

J. H. Jernigan

Defendant

R. L. Woodruff

Sheriff

By *C. Tanner*

Deputy Sheriff

RECORDED *Duck*

7-208

BILL OF COMPLAINT

JAMES KING JENNIGAN,

Complainant,

VS.

J. H. JENNIGAN,

Respondent.

*Filed May 5, 1935
R. S. D. Duck, Register*

IN THE CIRCUIT COURT OF

BALTIMOR COUNTY, ALABAMA,

IN CHANCERY.

RECORDED

Dual
7-461

No. _____ Page _____

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

JANIE KING JERNIGAN,

Complainant,

Vs.

J. H. JERNIGAN,

Respondent.

**REQUEST FOR DECREE IN
VACATION**

Filed June 16th, _____, 1938

B. S. Dual

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

The State of Alabama } Circuit Court of Baldwin County, Alabama,
Baldwin County (In Equity)

JANIE KING JERNIGAN COMPLAINANT

vs.

J. H. JERNIGAN RESPONDENT

I, R. S. DUCK

as Register and Commissioner

have called and caused to come before me Janie King Jernigan and Mary Argiro

witness es named in the Requirement for Oral Examination, on the 14th day of June 1938, at the office of Clerk of the Circuit Court of Baldwin County, Alabama, 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 Janie King Jernigan doth depose and say as follows:

bona fide

My name is Janie King Jernigan. I am a resident of Baldwin County, Alabama, and have been for more than three years next preceding the filing of this Bill of Complaint. The Respondent is a resident of Baldwin County, Alabama, however, is at present sojourning at 1009 Delaware Street, Mobile, Alabama. He is over twenty-one years of age.

The Respondent and I were married at Carney, in Baldwin County, Alabama, on to-wit, June 23rd, 1934, and we lived together as husband and wife, in Baldwin County, Alabama, until on to-wit, in September, 1935; that in September, 1935, the Respondent voluntarily abandoned me and has remained away voluntarily and continuously since that time; that during the said time, I have had to support myself and he has contributed nothing toward my support or the support of my family.

I, at no time during our married life, gave the Respondent any cause for leaving me. We have no children.

Handwritten signature: Janie King Jernigan

MARY ARGIRO, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

My name is Mary Argiro. I live in Mobile, Alabama. I have known the Complainant and Respondent about five or six years. I know of my own personal knowledge that the Complainant and Respondent in this cause are not living together as husband and wife and have not so lived together since in 1935 or more than two years. The Respondent just walked out and left the Complainant and he has contributed nothing toward the support of the Complainant.

Handwritten signature: Mary Ruth Argiro

ORAL EXAMINATION

I, R. S. DUCK, 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 _____

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 15th day of June 19 38.

R. S. Duck (L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed June 15, 1938

R. S. Duck, Register

RECORDED IN

_____ Record

Vol. _____ Page _____

_____ Register