

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MAGGIE ARD,

Complainant

VS.

SAM ARD,

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on personal service; 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 MAGGIE ARD is forever divorced from the said

SAM ARD,

for and on account of

Cruelty

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 MAGGIE ARD be, and she is hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 14<sup>th</sup> day of December, 19 38

J. M. Hare  
Judge Circuit Court, in Equity.

I, \_\_\_\_\_, 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 \_\_\_\_\_, 19 \_\_\_\_\_

Register of Circuit Court, in Equity.

MAGGIE ARD,  
Complainant,  
VS  
SAM ARD,  
Respondent.

IN THE  
CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 494

I, Mary Elizabeth Lott, the Commissioner duly appointed to take the testimony of Maggie Ard, Mary Alice Ard Buttner, and Mrs. Annie Devine, hereby certify that I caused the aforementioned witnesses to come before me at 204-205 First National Bank Building, Mobile, Alabama, at 11:00 O'clock A.M., Wednesday, December 7th, 1938; that said witnesses were made known to me, and, after being duly sworn, testified as is set down on the papers hereto attached, and reduced to writing by me; that said testimony was subscribed by the witnesses in my presence after having been first read over to them.

each time.

One Sunday in June, 1937, while I was preparing supper for the respondent and our children, the respondent came up behind me and suddenly hit me very hard on the back of my neck. About that time, some of the children came in. He then grabbed a skillet of hot grease off the stove and tried to throw it on us. He chased me around

the kitchen with the skillet threatening to kill me and all of us. He then got his gun but there were no shells in it, we having taken them away from him to keep him from shooting us. He used the gun as a club and hit me over the head with it. The children and I started wrestling with him to get the gun away from him. Finally, one of the girls got the gun and ran out the door with it. Just as she ran out, Mr. Duckworth came in. Just before that, my sister and her husband had come to see me, and the respondent had run them off, saying that he was going to kill me if it was the last thing he did. They went and got Mr. Duckworth who arrested the respondent and carried him to Bay Minette. The case was not prosecuted against the respondent at that time.

On August 27th, 1938, the respondent was drunk, as usual, and, as usual, he began to orally abuse and assault me and the children. He said that he was going to kill me and all the children. His abuse became so violent that I gathered the children up and took them out to the car. I was going to get them away from the respondent and to a safe place. However, just as we got in the car, the respondent came out, threw open the hood of the car and threw a match on the carburetor so that it set fire to the car. I got the children out and we started running up the road. The respondent grabbed a stick and started up the road after us. He caught up with me but he was so drunk that I was able to take the stick away from him and shove him away.

On September 27, 1938, Mary Alice and I had been washing all day long, and the respondent had been drinking and threatening us all day. That afternoon, he told me that I would have to leave, and that, if I did not leave at once, he would kill me. The children came home from school about that time and begged the respondent not to drive me away, but he insisted that he would kill me if I did not leave at once. He further stated that he would kill me if he ever saw me again, and that if I tried to come back, he would kill me and all our children. Accordingly, I was forced to leave our home.

On October 8th, 1937, the respondent was convicted in the Federal Court of bootlegging whiskey, and was sentenced to serve a year and a day. He served nine months and twenty days of that time and was then parolled. On October 7, 1938, he was arrested on account of his violence to me and was put back in jail for seventy-two days.

The respondent is addicted to habitual drunkenness, and when in his drunken spells, he has always been violent, threatening, and abusive, and I have on many occasions been beaten or struck until my face and body were black and blue, <sup>and have lived in fear of my life.</sup> The occasions which I have mentioned above are only a few of the times when he has threatened me or beat me. The respondent and I have had ten living children. Five of these children are no longer living with us. The remaining five children are with me and I have been taking care of them. These five children are as follows:- Allie Mae Ard, eleven years old; Maggie Ard, nine years old; Loretta Ard, eight years old; Stormey Ard, five years old; and Corinne Ard, three years old.

Maggie Ard

MARY ALICE ARD BUTTNER

My name is Mary Alice Ard Buttner. Mrs. Maggie Ard is my mother and Sam Ard is my father. I was present on all of the occasions about which my mother has testified, and I have heard her testimony as to those occasions. I know that the facts which she has testified to are all true and correct. I have seen my father threaten and abuse my mother and beat her on many occasions. I know that he is addicted to habitual drunkenness, during which occasions he uses the most violent and abusive language I have ever heard, and during which occasions he is violent and abusive to an extreme degree.

I am married and I am twenty-four years of age. I now live about a mile and a half from my mother's house, but I spend a good bit of time at my mother's house still.

Mary Alice Buttner.

MRS. ANNIE DEVINE

My name is Mrs. Annie Devine, and I live about three quarters of a mile from Mrs. Ard. I visit her house quite often, and on many occasions when I came to their house, I have heard Mr. Ard cursing Mrs. Ard and using violent language toward her. However, he always quieted down when I came in the house. However, one night in August, 1937, I was present on an occasion which I remember very distinctly. On that occasion, Mrs. Ard was putting her youngest baby in the bed when Mr. Ard came up behind her and hit her with such force as to knock her down. He kept on beating on her until my husband went in and pulled him away. He was drunk at that time and, in fact, he stays drunk most of the time.

Annie Devine

I further certify that I am neither of kin  
nor counsel to either party to this suit, and that I am  
not in any way interested in the result thereof.

IN WITNESS WHEREOF, I have hereunto set my hand,  
this 7th day of December, 1938.

Mary Elizabeth Lott  
COMMISSIONER

The State of Alabama, {  
Baldwin County.

## CIRCUIT COURT

To MARY ELIZABETH LOTT:-

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 Maggie Ard, Mary Alice Ard Buttner, and Mrs. Annie Devine;

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

MAGGIE ARD, Complainant  
and SAM ARD,

Defendant,

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

Witness 28th day of November 19 38

**R. S. DUCK**  
clerk, - register

COMMISSIONER'S FEE, \$ 5.00

WITNESS' FEES, \$

By William H. Thompson REGISTER  
Deputy



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

MAGGIE ARD,

Complainant,

vs. Complainant

SAM ARD,

Respondent.

Defendant

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER:**

MARY ELIZABETH LOTT.

**WITNESSES:**

Maggie Ard, Mary Alice Ard

Buttner & Mrs. Annie Devine.

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

MAGGIE ARD,

Complainant,

vs. Complainant

SAM ARD,

Respondent.

Defendant

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER:**

MARY ELIZABETH LOTT.

**WITNESSES:**

Maggie Ard, Mary Alice Ard

Buttner & Mrs. Annie Devine.

No. 494 Page

The State Of Alabama  
Baldwin County

In Circuit Court, In Equity

MAGGIE ARD,  
vs. Complainant.

SAM ARD,  
Respondent.

DIVORCE DECREE

*Filed December 15, 1935*  
R. S. DUCK

*By William H. Thompson*  
clerk, - register  
Deputy

MAGGIE ARD, Complainant,

vs.

SAM ARD, Respondent.

THE STATE OF ALABAMA  
Baldwin CountyIN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, \_\_\_\_\_  
Motion for Decree Pro Confesso; Decree Pro Confesso on Personal  
Service; and Testimony of Maggie Ard, Complainant, Mary Alica Ard  
Buttner, and Mrs. Annie Devine;

and in behalf of Defendant upon \_\_\_\_\_

R. S. DUCK

clerk - register

By *Mullie Phelan* Register.  
Deputy

# The State of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

MAGGIE ARD,

Complainant

VS.

SAM ARD,

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on personal service; 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 MAGGIE ARD is forever divorced from the said

SAM ARD,

for and on account of

Cruelty

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 MAGGIE ARD be, and she is hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This \_\_\_\_\_ day of December, 19 38.

Judge Circuit Court, in Equity.

I, R. 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 December, 19 38

Register of Circuit Court, in Equity.

By: Deputy-Register.

MAGGIE ARD,	!	IN THE CIRCUIT COURT OF	
	!		
Complainant	!		
	!	BALDWIN COUNTY, ALABAMA	
-VS-	!		
	!		
SAM ARD,	!	IN EQUITY	NO. _____
	!		
Defendant	!		
	!		

To the Honorable Judge of the Circuit Court of Baldwin County, Alabama, sitting as a Court of Equity:

Comes now your complainant, Maggie Ard, and respectfully shows unto your Honor as follows:-

(1) That she is a bona fide resident citizen of Baldwin County, Alabama; that the respondent, Sam Ard, is a bona fide resident citizen of Baldwin County, Alabama; and that the complainant and the respondent are both of sound mind and are over the age of twenty-one years.

(2) Your complainant alleges that she and the respondent were married on the 5th day of September, 1912, in Baldwin County, Alabama, and that they have lived together as man and wife in Baldwin County, Alabama from the time of their said marriage until about two weeks ago, as your complainant will more fully show.

(3) Your complainant now shows unto your Honor that, during the past ten years of her said marriage, the respondent has committed actual violence on her person, and that said acts of violence were attended with constant grave danger to your complainant's health and life, and that, during all that said time, your complainant has lived in a state of constant apprehension of such violence. Your complainant alleges that on numerous occasions, the respondent has attempted to shoot your complainant or otherwise kill her with a gun, and that, on one such occasion, the attempt was made while complainant held one of their babies in her arms so that, had said attempt been consummated, your complainant and one of their children would have been horribly killed. That, in June, 1937, the respondent forcibly and with great violence struck your complainant across

the neck with so vicious a blow as to almost break the neck of your complainant; that the respondent was arrested at that time on the complaint of your complainant's sister; and that, when the officers came after the respondent, he did again try to kill your complainant with a gun and was forcibly prevented from doing so. Your complainant further shows that, on August 27th, 1938, the respondent, while in a drunken condition, orally abused and assaulted your complainant and her small child; that he threatened to kill her and all their children and to stack the bodies in a pile; that his abuse became so violent that he drove your complainant and their children from their house, but that, when they attempted to leave in their automobile, the respondent did then and there set fire to said automobile; that he then chased your complainant and the said children along the highway until they could run no further, and that your complainant and their children were saved from further violence only by the drunken condition of the respondent which prevented him from having full control of his faculties. Your complainant finally shows that, on September 27, 1938, the respondent again assaulted your complainant, beating her about her head, neck, and body, with such force and violence as to turn your complainant's body and neck black and blue; that the respondent threatened to kill your complainant if she did not immediately leave their home and that he further threatened to kill her and their children if she should ever attempt to return to their said home. And your complainant shows that, because of the constant violence committed on her person, because of the many threats made on her life, and because of the constant danger to your complainant's health and life, your complainant was, on September 27th, 1938, driven from her said home by the respondent.

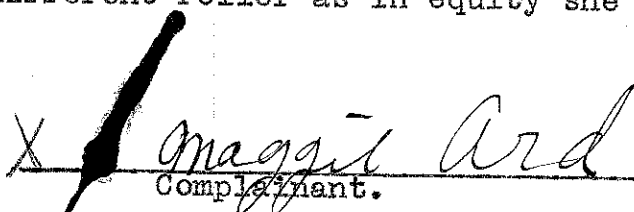
Your complainant also alleges that the respondent has been on a parole or probation from the Federal Government, but that, because of the respondent's constant drunkenness and because of the respondent's treatment of your complainant, said parole has been revoked by the said Federal Government.

(4) Your complainant alleges that, as a result of their said marriage, she and the respondent have had ten children; that, of said ten children, five are either over the age of twenty-one years or are living away from the home of your complainant and the respondent; but that the remaining five children are as follows:- Allie Mae Ard, who is eleven years of age; Maggie Ard, who is nine years of age; Loretta Ard, who will be eight years of age on the 21st, day of this month; Stormey Ard, who is five years of age; and Corinne Ard, who is three years of age; all of the above named children being girls; and that all of said named children are now living with your complainant.

WHEREFORE, THE PREMISES CONSIDERED, your complainant prays that Sam Ard be made a party respondent to this bill of complaint, commanding him within a time specified and required by law, to appear in this Court and to demur, plead to, or answer the bill of complaint filed in this cause against him, and that he be required to answer this bill and abide by such orders and decrees as may be made.

PRAYER FOR RELIEF

Complainant prays that upon the hearing of this cause, your Honorable Court will be pleased to render the court's decree forever divorcing her from the said Sam Ard and granting unto this complainant the right to remarry. Your complainant also prays that she may have the custody of the said children hereinabove named, she being both fit and competent to have such custody; and your complainant prays for such other, further, and different relief as in equity she may be entitled to.

X   
Complainant.

FOOT NOTE: Respondent is required to answer each and every paragraph of the foregoing bill of complaint, but not under oath, oath thereto being hereby expressly waived.

  
Solicitors for Complainant.



# CIRCUIT COURT, BALDWIN COUNTY, ALA. IN EQUITY

No.

VS.

PLAINTIFF

DEFENDANT

## BILL OF COSTS

FEES OF REGISTER		Dollars	Cents			
Filing each bill and other papers	⑦	\$	10	70	Brought Forward	\$ 4 95
Issuing each subpoena			50	50	For Receiving, keeping and paying	
Issuing each copy thereof			40	40	out or distributing money, etc.: 1st	
Entering each return thereof			15	15	\$1,000, 1%, all over \$1,000, and not	
For each order of publication		1	00		over \$5,000, 3-4 of 1%; all over \$5,-	
Issuing Writ of injunction		1	50		000 and not exceeding \$10,000, 1-2 of	
For each copy thereof			50		1%, all over \$10,000 1-4 of 1%.	
Entering each return thereof			15		Receiving, keeping and paying out	
Issuing Writ of Attachment		1	00		money paid into court, etc., 1-2 of	
Entering each return thereof			15		1% of amount received.	
Docketing each case		1	00	1 00	Each notice sent by mail to creditor	15
Entering each appearance			25		Filing receipting for and docketing each	
Issuing each decree pro confesso on per ser.		1	00	1 00	claim, etc.	25
Issuing each decree pro confesso on publica		1	00		For all entries on subpoena docket, etc.	50
Each order appointing guardian		1	00		For all entries on commission docket,	
Any other order by Register			50		etc.	50
Issuing Commission to take testimony			50	5 0	Making final record, per 100 words	15
Receiving and filing			10	1 0	Certified copy of decree	1 00
Endorsing each package			10	1 0	Report of divorce to State Health Office	50
Entering order submitting cause			50	5 0	(Acts 1915)	
Entering any other order of court			25		TOTAL FEES OF REGISTER	
Noting all testimony			50			
Abstract of cause, etc.		1	00	4 95	FEES OF SHERIFF	10 45
Entering each decree			75		Serving and returning subpoena on deft.	\$1 50
For every 100 words over 500			15		Serving and returning subpoena for	
Taking account, etc.		3	00		witness	65
Taking testimony, etc.			15		Levying attachment	1 50
Each report, 500 words or less		2	50		Entering and returning same	25
For every 100 words over 500			15		Selling property attached	
Amount claimed less than \$500, etc.		2	00		Impanelling Jury	75
Issuing each subpoena			25		Executing Writ of possession	2 50
Witness certificate, each			25		Collecting execution for costs	1 50
Issuing execution, each			75		Serving and returning sci. fa., each	65
Entering each return			15		Serving and returning notice	65
Taking and approving bond, each		1	00		Serving and returning writ of injunction	1 50
Making copy of bill, etc.			15		Serving and returning writ of exeat.	1 50
Each notice not otherwise provided for			50		Taking and approving bonds, each	75
Each certificate or affidavit, with seal			50		Collecting money on execution	
Each certificate or affidavit, no seal			25		Making Deed	2 50
Hearing and passing on application, etc.		3	00		Serving and returning application, etc.	1 00
Each settlement with Receiver, etc.		3	00		Serving attachment, contempt of court.	1 50
Examining each voucher of Receiver, etc.			10		TOTAL FEES OF SHERIFF	1 50
Examining each answer, etc.		3	00		RECAPITULATION	
Recording resignation, etc.			75		Register's Fees	10 45
Entering each certificate to Supreme Court			50		Sheriff's Fees	1 50
Taking questions and answers, etc.			25		Commissioner's Fees	5 00
For all other ser relating to such proceedings		1	00		Solicitor's Fees	
For services in proceeding to relieve min-					Witness Fees	
ors, etc., same fee as in similar cases.					Guardian Ad Litem	
Commission on sales, etc: 1st \$100, 2 per					Printer's Fees	
cent: all over \$100 and not exceeding					Trial Tax	3 00
\$1,000, 1 1-2 per cent; all over \$1,000,					Recording Decree in Probate Court	
and not exceeding \$20,000, 1 per ct; all					TOTAL	19 95
over 20,000, 1-4 of 1 per cent.						
Sub Total Carried Forward						

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

Register.

MAGGIE ARD,	:	IN THE CIRCUIT COURT OF	
	:		
Complainant	:		
	:	BALDWIN COUNTY, ALABAMA	
-VS-	:		
	:		
SAM ARD,	:	IN EQUITY	NO. _____
	:		
Defendant	:		
	:		

To the Honorable Judge of the Circuit Court of Baldwin County, Alabama, sitting as a Court of Equity:

Comes now your complainant, Maggie Ard, and respectfully shows unto your Honor as follows:-

(1) That she is a bona fide resident citizen of Baldwin County, Alabama; that the respondent, Sam Ard, is a bona fide resident citizen of Baldwin County, Alabama; and that the complainant and the respondent are both of sound mind and are over the age of twenty-one years.

(2) Your complainant alleges that she and the respondent were married on the 5th day of September, 1912, in Baldwin County, Alabama, and that they have lived together as man and wife in Baldwin County, Alabama from the time of their said marriage until about two weeks ago, as your complainant will more fully show.

(3) Your complainant now shows unto your Honor that, during the past ten years of her said marriage, the respondent has committed actual violence on her person, and that said acts of violence were attended with constant grave danger to your complainant's health and life, and that, during all that said time, your complainant has lived in a state of constant apprehension of such violence. Your complainant alleges that on numerous occasions, the respondent has attempted to shoot your complainant or otherwise kill her with a gun, and that, on one such occasion, the attempt was made while complainant held one of their babies in her arms so that, had said attempt been consummated, your complainant and one of their children would have been horribly killed. That, in June, 1937, the respondent forcibly and with great violence struck your complainant across

the neck with so vicious a blow as to almost break the neck of your complainant; that the respondent was arrested at that time on the complaint of your complainant's sister; and that, when the officers came after the respondent, he did again try to kill your complainant with a gun and was forcibly prevented from doing so. Your complainant further shows that, on August 27th, 1938, the respondent, while in a drunken condition, orally abused and assaulted your complainant and her small child; that he threatened to kill her and all their children and to stack the bodies in a pile; that his abuse became so violent that he drove your complainant and their children from their house, but that, when they attempted to leave in their automobile, the respondent did then and there set fire to said automobile; that he then chased your complainant and the said children along the highway until they could run no further, and that your complainant and their children were saved from further violence only by the drunken condition of the respondent which prevented him from having full control of his faculties. Your complainant finally shows that, on September 27, 1938, the respondent again assaulted your complainant, beating her about her head, neck, and body, with such force and violence as to turn your complainant's body and neck black and blue; that the respondent threatened to kill your complainant if she did not immediately leave their home and that he further threatened to kill her and their children if she should ever attempt to return to their said home. And your complainant shows that, because of the constant violence committed on her person, because of the many threats made on her life, and because of the constant danger to your complainant's health and life, your complainant was, on September 27th, 1938, driven from her said home by the respondent.

Your complainant also alleges that the respondent has been on a parole or probation from the Federal Government, but that, because of the respondent's constant drunkenness and because of the respondent's treatment of your complainant, said parole has been revoked by the said Federal Government.

(4) Your complainant alleges that, as a result of their said marriage, she and the respondent have had ten children; that, of said ten children, five are either over the age of twenty-one years or are living away from the home of your complainant and the respondent; but that the remaining five children are as follows:- Allie Mae Ard, who is eleven years of age; Maggie Ard, who is nine years of age; Loretta Ard, who will be eight years of age on the 21st, day of this month; Stormey Ard, who is five years of age; and Corinne Ard, who is three years of age; all of the above named children being girls; and that all of said named children are now living with your complainant.

WHEREFORE, THE PREMISES CONSIDERED, your complainant prays that Sam Ard be made a party respondent to this bill of complaint, commanding him within a time specified and required by law, to appear in this Court and to demur, plead to, or answer the bill of complaint filed in this cause against him, and that he be required to answer this bill and abide by such orders and decrees as may be made.

PRAYER FOR RELIEF

Complainant prays that upon the hearing of this cause, your Honorable Court will be pleased to render the court's decree forever divorcing her from the said Sam Ard and granting unto this complainant the right to remarry. Your complainant also prays that she may have the custody of the said children hereinabove named, she being both fit and competent to have such custody; and your complainant prays for such other, further, and different relief as in equity she may be entitled to.

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Complainant.

FOOT NOTE: Respondent is required to answer each and every paragraph of the foregoing bill of complaint, but not under oath, oath thereto being hereby expressly waived.

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Solicitors for Complainant.



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

SAM ARD,

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

MAGGIE ARD,

against said SAM ARD,

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, R. S. Duck, Register of said Circuit Court, this 19th day of October, 1938.

R. S. Duck

, Register

By:

Nathaniel Thompson

Deputy-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. 494 CIRCUIT COURT IN EQUITY.

MAGGIE ARD,

Complainant

vs.

SAM ARD,

Defendant

Motion is hereby made for a Decree Pro Confesso against

SAM ARD,

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 28th day of November 19 38

SULLIVAN, HOLBERG & TULLY

Solicitor.

**The State of Alabama,**  
**Baldwin County.**

No. 494

CIRCUIT COURT IN EQUITY.

MAGGIE ARD,

Complainant.

VS.

SAM ARD,

Defendant.

In this cause it appears to the \_\_\_\_\_ Register  
that a summons requiring the Defendant \_\_\_\_\_ SAM ARD,

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 SAM ARD was served upon him by the Sheriff of Mobile County, Alabama, on the 22nd day of October 1938

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 ..... SULLIVAN, HOBBERG & TULLEY, ..... Solicitors for 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 \_\_\_\_\_

SAM ARD.

Defendant - aforesaid.

This 28th day of November 1938

R. S. DUCK

-clerk- register

Register.

By Samuel Deputy

No. 494

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**The State of Alabama**  
**BALDWIN COUNTY**

---

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**IN EQUITY**  
**Circuit Court of Baldwin County**

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MAGGIE ARD,

---

Complainant,

---

VS.

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---

SAM ARD,

---

Respondent.

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**NOTE OF TESTIMONY**

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Filed in Open Court this 13th  
day of December 193 8**R. S. DUCK**

clerk, - register

By *Samuel Thompson* REGISTERDeputy



(copy)

No. **404** Page .....

**The State of Alabama**  
**Baldwin County**

**In Circuit Court, In Equity**

**MAGGIE ARD,**  
vs. Complainant.

**SAJL ARD,**  
Respondent.

**DIVORCE DECREE**

(4) Your complaint alleges that, as a result of their

said marriage, she and the respondent have had ten children; that, of said ten children, five are either over the age of twenty-one years or are living away from the home of your complainant and the respondent; but that the remaining five children are as follows:- Allie Mae Ard, who is eleven years of age; Maggie Ard, who is nine years of age; Loretta Ard, who will be eight years of age on the 31st day of this month; Stormey Ard, who is five years of age; and Corinne Ard, who is three years of age; all of the above named children are living with your complainant; and that all of said named children are now living with your complainant.

WHEREFORE THE PREMISES CONSIDERED, your complainant prays that Sam Ard be made a party respondent to this bill of complaint, commanding him within a time specified and required by law, to appear in this Court and to demur, plead to, or answer the bill of complaint filed in this cause against him, and that he be required to answer this bill and abide by such orders and decrees as may be made.

PRAYER FOR RELIEF

Complainant prays that upon the hearing of this cause, your Honorable Court will be pleased to render the court's decree forever divorcing her from the said Sam Ard and granting unto this complainant the right to remarry. Your complainant also prays that she may have the custody of the said children hereinabove named, she being both fit and competent to have such custody; and your complainant prays for such other, further, and different relief as in equity she may be entitled to.

Complainant.

FOOT NOTE: Respondent is required to answer each and every paragraph of the foregoing bill of complaint, but not under oath, oath thereto being hereby expressly waived.

Solicitors for Complainant.

No. 494

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**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY**

MAGGIE ARD,

vs. Complainant,

SAM ARD,

Respondent.

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

Filed November 28, 19 38

R. S. DUCK

clerk, - register

Register.

By *Thurston*  
Deputy

Recorded in Record,

Vol. Page

Register.

(original) RECORDED 11/15/38

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SAM ARD,  
% Federal Authorities,  
Mobile, Alabama,  
Circuit Court of Baldwin County  
IN EQUITY

No. 494

Summons

MAGGIE ARD,

Complainant

VS.

SAM ARD,

Respondent.

SULLIVAN, HOIBERG & TWILLEY  
Solicitor for Complainant

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

THE STATE OF ALABAMA,  
Baldwin County

Received in office this 10-22-38

day of \_\_\_\_\_, 1938

*Q. H. Barber*

Sheriff.

Executed this 22<sup>nd</sup> day of

Oct

1938

by *Sealike* *on*  
~~leaving~~ a copy of the Summons ~~with~~

*Sam H. H. H.*

Defendant

*Q. H. Barber*

Sheriff

B. *W. F. H. H.*

Deputy Sheriff

RECORDED

*Book*  
*8-38*

No. 494

Page

**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY**

MAGGIE ARD,

Complainant,

vs.

SAM ARD,

Respondent.

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE**

Issued November 28th, 1938

**R. S. DUCK**

Clerk, Register

Register.

By *Walter C. Hargrave*  
Deputy

Meade Printing Company, Bay Minette, Ala.

Maggie Ard,  
Complainant,

Vs

Sam Ard,  
Respondent.

Witnesses for Complainant:

Maggie Ard  
Mary Alica Ard Buttner  
Mrs. Annie Devine

*Filed December 13, 1938.*  
R. S. DUCK

clerk, - register

By *Stanley Thompson*  
Deputy

Register in Chancery  
Circuit Court of  
Baldwin County