

229

W.H.Batchelder

vs.

Annetta Batchelder,

THE STATE OF ALABAMA,

BALDWIN COUNTY

IN EQUITY,

CIRCUIT COURT OF BALDWIN COUNTY.

and amended

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, decree pro confesso and deposition's of W.H.Batchelder and Dan Washington,

~~and in behalf of Defendant upon~~

J. W. Peterson

Register

9 R

No.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

M. F. Patchedder

vs.

Annetta Patchedder

NOTE OF TESTIMONY.

Filed in Open Court this *16th*

day of *Augt* 191*0*

D. W. Wilkinson

Register

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 229 Vacation Term, 1920

W. H. Patchelder

Complainant.....

vs.

Annetta Patchelder

Defendant.....

To *J. M. Beckersm*

, 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 *Wm. S. Anderson*

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.

Wm. S. Anderson

Solicitor for Complainant.

8 R

No. 229 Page

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

A. H. Patchelder

vs.

Annitta Patchelder

REQUEST FOR DECREE IN
VACATION.

Filed *Sept 16th* 191*0*

D. W. Riccison
Register

Recorded in Record

Vol. Page

Register

THE STATE OF ALABAMA, Baldwin COUNTY.

IN CIRCUIT COURT, IN EQUITY.

W.H. Batchelder Complainant

vs.

Annetta Batchelder, Defendant

Oral examination before the Register of the following witnesses:

W.H. Batchelder, and Dan Washington,

who reside in Alabama, said examination being conducted in Bay Minette, Alabama,

on this the 16th, day of August, 1920, and there being present

Hon. W.S. Anderson, Atty for Complainant,

The said witnesses being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows: W. H. Batchelder.

My name is W.H. Batchelder, I am 44 years of age, and reside in Baldwin County, Alabama, and have been a bona fide resident of Baldwin County, Alabama, since July 1907, I married Annetta Batchelder March 30th 1905, in Mobile County, Alabama, we were married by J.W. Walker a Methodist Preacher, and moved to Baldwin County, July 1907, where we lived together in Stockton, as man and wife until sometime in the month of March, 1917, when she left me without any good cause or excuse, and has never lived with me since. From the time I married her I treated her well and provided her with everything that she needed, a good home, and all else that a wife should require and was always kind to her.

Annetta Batchelder is now about 41 years of age, My wife and I had one child a boy named Wilmer Batchelder. he is now 14 years of age and lives with me, I would like the Court to award me the care and the custody of this boy as I am able to provide for him as I have done

in the past. I do not know where Annetta Batchelder is at present the last I heard from her through her mother,, she had gone to the State of Georgia, but her mother did not know her address.

After leaving me she first went to mobile, she then went to North Alabama, and I have heard from her not directly but from others, I have tried to get her to return and live with me but she has always refused to do so and is now to the best of my information and belief somewhere in the State of Georgia

W.H. Batchelder

Dan Wasgington.

Dan Washington a witness for Complainat testified as follows:-

My name is Dan Washington I am 54 years of age and live in Stockton Alabama, I have known W.H. Batchelder and Annetta Batchleder since some time in 1907, when they moved to Baldwin County, and came to live in Stockton, Alabama, they lived together at Stockton as man and wife from 1907, until some time in March 1917, when she left him, I lived near them and knew them well, he treated her alright and never gave her any just cause for leaving him, he built a house and lived with her, he was in the habit of giving her nearly all his wages and he was always kind to her, I never knew of any reason why she should have lefy him, she has never lived with him since she left in 1917.

^{his}
Dan Washington
mark

Attest
W.L. Anderson
J.W. Robinson

I, J. W. Riccannon, as Register

hereby certify that the foregoing deposition on oral examination taken down by me in writing in the words of the witness u 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 the personal identity of the said witness u, or had proof made before me of the identity of said witness u; that I am not of counsel or of kin to any of the parties to said cause; or in any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court, and placed the same on file in my office.

Given under my hand and seal this the 16th day of August, 1920

J. W. Riccannon (L. S.)

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

- days' attendance at \$1.50 per day \$
- days' attendance at \$1.50 per day \$
- days' attendance at \$1.50 per day \$
- days' attendance at \$1.50 per day \$
- days' attendance at \$1.50 per day \$
- days' attendance at \$1.50 per day \$
- days' attendance at \$1.50 per day \$
- days' attendance at \$1.50 per day \$
- days' attendance at \$1.50 per day \$
- days' attendance at \$1.50 per day \$

REGISTER'S FEES.

- days at \$1.50 per day \$
- words at 20 cents per hundred

The State of Alabama,

Blount COUNTY.

IN CIRCUIT COURT, IN EQUITY.

J. H. Batchelder

vs. Complainant,

Amelia Batchelder

Defendant.

Deposition Taken Before Register on Oral Examination.

Deposition of J. H. Batchelder
and Dan Washington
for Complainant

Filed 16 day of Aug, 1920

Published by order of the Court, Com

day of _____, 19____

Register.



[Faint, illegible text from the reverse side of the document, likely bleed-through from the deposition transcript.]

THE STATE OF ALABAMA,

Madison County.

CIRCUIT COURT, IN EQUITY.

W. H. Patchelder

Complainant.....

vs.

Annetta Patchelder

Defendant.....

No. 229

Now comes the Complainant by M. S. Anderson Esq.

Solicitor of Record, and makes application to the Register of said Court to issue a Commission to take the testimony in said cause, or oral examination, of the following named witness et al., who reside within the State of Alabama:

NAME OF WITNESS.

RESIDENCE OF WITNESS.

W. H. Patchelder

Stockton Ala

D. E. Stevens

"

Sam Washington

"

"

And W. H. Patchelder suggests the name of W. H. Richardson Register of the Court who resides at Bay Minette as a suitable person to be appointed Commissioner to take the testimony of said witness et al.

This 12th day of August 1920

M. S. Anderson

Solicitor for Complainant

~~The Applicant for said Oral Examination is hereby required to give in writing..... days notice thereof, before the examination is taken, to the adverse party, or to..... Solicitor..... of Record, if either reside..... in this District, but if neither reside therein, the notice may be given by entry on the Order Book of the Clerk.~~

Register.

No. 229 C R

THE STATE OF ALABAMA,

Barren County.

CIRCUIT COURT, IN EQUITY.

APPLICATION FOR ORAL
EXAMINATION.

W H Patchelder

vs.

Annetta Patchelder

Filed in office this

17th

day of

August

1920

D W Ricurson
Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

} CIRCUIT COURT, IN EQUITY.
No. 229. Vacation Term, 19 20

W.H. Batchelder, Complainant

vs. Annetta Batchelder, Defendant

In this cause it appears to the Register that the order of publication here-
tofore made in this cause, was published for four consecutive weeks, commencing on the 10th
June, 19 20 in the Baldwin Times
a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court
House door in Baldwin County, on the 10th
June, 19 20, 1920.

And it now further appearing to the Register T.W. Richerson, that the said
Annetta Batchelder,

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, there-
fore, on motion of Complainant, ordered and decreed by the Register that the
Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said

Annetta Batchelder,

This 9th day of August, 19 20.

T.W. Richerson
Register.

S R

No. 227. Page -----

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY

W.H. Batchelder,

vs.

Annetta Batchelder

DECREE PRO CONFESSO ON
PUBLICATION.

Issued August, 9th, 1920

W.H. Batchelder
Register.

Recorded in ----- Record

Vol. ----- Page -----

Register.

The State of Alabama, }
BALDWIN COUNTY.

No. 229. CIRCUIT COURT IN EQUITY.

W.H. Batchelder

Complainant...

vs.

Annetta Batchelder

Defendant...

Motion is hereby made for a Decree Pro Confesso against

Annetta Batchelder,

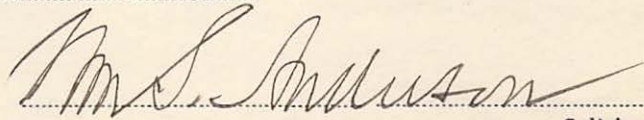
Defendant...

was completed

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Deft, Baldwin County, Alabama 4 consecutive weeks Commencing June 10 & ending July 1, 1920 by publication in the Baldwin Times a newspaper published in Bay Minette & Defendant; and that said summons was duly served on said Defendant and that said Defendant has failed

to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 9th day of August 1920



Solicitor.

4 R

No. Page

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

W H Patchell

Vs.

Annetta Patchell

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

Service by Publication

Filed *Augt. 9th* 1920

J. W. Richardson
Register.

Recorded in Record,

Vol. Page

Register.

Largest Weekly Circulation in South Alabama

Bay Minette, Ala.,

July 2nd, 1920

M

W. H. Batchelder
vs
Annetta Batchelder

NOTICE TO NON-RESIDENT

THE BALDWIN TIMES

ABNER J. SMITH, PROPR.

FINE JOB PRINTING. BEST ADVERTISING MEDIUM

PROMPT SERVICE. LOWEST PRICES.

LOCAL AND LONG DISTANCE TELEPHONE

All Bills Must Be Paid Within 30 Days

To publishing Non-Resident Notice in issues of June 10th, 17th,
24th and July 1st, 1920:
152 words @ 4½¢ per word.....

\$6.84

THE BALDWIN TIMES

ABNER J. SMITH, PROPRIETOR

DEVOTED TO THE INTEREST OF BALDWIN COUNTY AND HER PEOPLE

PUBLISHED EVERY THURSDAY

SUBSCRIPTION: \$1.00 PER YEAR IN ADVANCE

ADVERTISING RATES ON APPLICATION

TELEPHONE No. 7, LOCAL AND LONG DISTANCE

BAY MINETTE, ALA.,

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

ABNER J. SMITH, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Notice to Non-Resident.

W. H. Batchelder, vs. Annetta Batchelder.
No. 229.
The State of Alabama, Baldwin County. Circuit Court, in Equity. This the 5th day of June, 1920.
In this cause it being made to appear to the Clerk of this Court by the affidavit of W. H. Batchelder, that the defendant, Annetta Batchelder, is a non-resident of the State of Alabama, and her present address is unknown to affiant, and further, that in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said Annetta Batchelder, to answer or demur to the Bill of Complaint in this cause by the 8th day of July, 1920, or after thirty days therefrom a decree Pro Confesso may be taken against her.
T. W. Richerson,
Register.

Notice to Non-Resident.

W. H. Batchelder, vs. Annetta Batchelder.
No. 229.

Was published in said Newspaper for 4 consecutive weeks in the following issues:

Date of first publication	<u>June 10th, 1920</u>	Vol. <u>31</u>	No. <u>17</u>
“ “ second “	<u>June 17th 1920</u>	Vol. <u>31</u>	No. <u>18</u>
“ “ third “	<u>June 24th 1920</u>	Vol. <u>31</u>	No. <u>19</u>
“ “ fourth “	<u>July 1st 1920</u>	Vol. <u>31</u>	No. <u>20</u>

Subscribed and sworn to before the undersigned

this 13th day of July 1920.

T. W. Richerson
Clerk Circuit Court,
Baldwin Co. Ala.

Abner J. Smith
Publisher.

W.H. Batchelder

No. 229. vs

Annetta Batchelder,

vs.

THE STATE OF ALABAMA,

Baldwin COUNTY.

CIRCUIT COURT, IN EQUITY.

This the 5th, day of

June, 19

In this cause it being made to appear to the Clerk of this Court by the affidavit of

W.H. Batchelder,

that the Defendant

Annetta Batchelder,

is a non-resident of the State of Alabama

and her present address is unknown to affiant,

and further, that, in the belief of said Affiant..... the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin

County, Alabama, once a week for four consecutive weeks, requiring the said

Annetta Batchelder,

to answer or demur to the Bill of Complaint in this cause by the 8th day of July, 1920,

or after thirty days therefrom a decree Pro Confesso may be taken against

J.W. Reardon Register.

W. H. Batchelder,)
 Complainant,) In Circuit Court of Baldwin County, Alabama.
 vs.) In Equity.
 Annetta Batchelder,)
 Defendant.)

Amendment to Bill of Complaint.

Now comes the Complainant and files the following amendment to his Bill of Complaint in the above stated case, it appearing from the return of the Sheriff of Tuscaloosa County, that she is not in that County:

Amend the 1st paragraph of the Bill by adding in lieu of the statement, "that the said Annetta Batchelder resides or did reside when Orator last heard of her in the County of Tuscaloosa, in the State of Alabama."

the following:

"That the said Annetta Batchelder is a non-resident of the State of Alabama, and when last heard from was in the State of Georgia, but Orator does not know her place of residence or Post Office address".

Amend the prayer for process, as follows: by adding thereto,

"That defendant may be served with notice of this Bill, by publication or in such other way as may be required by the order of the Court or the rules of Court made and provided in such case".

W. M. S. Anderson

Solicitor for Complainant.

State of Alabama)
 Baldwin County.) Before me W. H. McMillan, a Notary Public in and for said County in said State personally appeared W. H. Batchelder, who after being by me first duly sworn deposes and says, that he is the Complainant in the above stated case, that he has made diligent effort to ascertain the residence and Post Office address of the said Annetta Batchelder, but has been unable to find the same, that he ascertained from her mother that she had gone to the State of Georgia, but she did not know what place, affiant therefore alleges that the said Annetta Batchelder is a non-resident of the State of Alabama, and that she is over the age of Twenty-one years.

Subscribed and sworn to before me
 this 31 day of May 1920.)

W. H. Batchelder

W. H. McMillan
 Notary Public, Baldwin County, Alabama



W. H. Batchelder

Vs.

Annetta Batchelder.

Amendment to Bill.

W. H. Batchelder,
Complainant,
vs.
Annetta Batchelder,
Defendant.

In Circuit Court of Baldwin County, Alabama.

In Equity.

Amendment to Bill of Complaint.

Now comes the complainant and files the following amendment

*Filed and Allowed
this 3rd day
June 1920,
D. W. Riccison
Register*



W. H. Batchelder

W. H. Batchelder,)	
Complainant)	In the Circuit Court of Baldwin County,
Vs.)	Alabama.
)	
Annetta Batchelder,)	In Equity
Defendant.)	

To the Honorable John D. Leigh, Judge of the Twentyfirst
Judicial Circuit of Alabama:

The Bill of Complaint of W. H. Batchelder exhibited against
Annetta Batchelder, respectfully shows unto your Honor:

1.

That your Orator and the said Annetta Batchelder were lawfully
married in the City of Mobile on or about March 30th, 1905.

That your Orator and the said Annetta Batchelder are both over
the age of twenty-one years; that Orator is now and has been for
more than three years next before the filing of this Bill of Com-
plaint a bona fide resident of the County of Baldwin and State of
Alabama;

that the said Annetta Batchelder resides or did reside
when Orator last heard of her in the County of Tuscaloosa
in the State of Alabama, Defendant resides in the Town of Abernant,
and calls herself, Annetta Hill.

2.

Orator further shows unto your Honor that he and his said wife
Annita Batchelder moved to Baldwin County, Alabama in the year 1907
where they lived together as man and wife until some time in the
month of March 1917, when the said Annita Batchelder voluntarily
abandoned your Orator and moved away, living for some time in the
City of Montgomery, Alabama.

That your Orator always provided for her and treated her in a
just and proper manner, but she left him without any just cause and
has since refused to return and live with him as his wife.

One child was born to Orator and said Annita Batchelder, a boy
named Wilmer Batchelder, who is now fourteen years of age and lives
with Orator.

Prayer for Process.

Orator prays your Honor to take jurisdiction of this cause and
that the states writ of subpoena may issue to the said Annita
Batchelder, requiring her to plead, answer or demur to this his
Bill of Complaint, within the time and according to the rules of
this Court.

Prayer for Relief.

Orator further prays that the premises considered upon the
coming in of the testimony of that may be taken your Honor will ren-
der a decree dissolving the bonds of matrimony existing between
Orator and said Annita Batchelder, that your Orator be permitted to
marry again and that he be awarded the care and custody of the boy
Wilmer Batchelder, and for such other further and different relief
as to your Honor may seem meet and proper.

Wm. S. Anderson
Solicitor for Complainant.

Foot note:

The defendant is required to answer all the allegations
of the foregoing Bill from from paragraph 1 to paragraph 2 both in-
clusive, but not under oath, her oath being expressly waived.

Wm. S. Anderson
Solicitor 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 Annita Batchelder

of Tuscaloosa 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

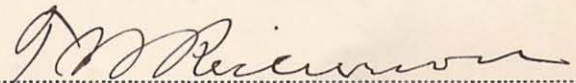
W. H. Batchelder

against said Annita Batchelder, as defendant

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 19th day of April

1920 191



Register.

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

Copy

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No.....

SUMMONS.

W. H. Batchelder

vs.

Annita Batchelder

defendant lives at Abernant and
calls herself "Annita Hill"

Wm. S. Anderson,

Solicitor for Complainant.

Recorded in Vol..... Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this.....

day of 191.....

Sheriff.

Executed this..... day of

191.....

by leaving a copy of the within Summons with

Defendant

Sheriff

By

Deputy Sheriff.

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 Annita Batchelder

of Tuscaloosa 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

W. H. Batchelder

against said Annita Batchelder, as defendant

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 19th day of April

1920. 191

T. W. Richerson
Register.

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

Original

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No.....

SUMMONS.

W. H. Batchelder

vs.

Annetta Batchelder

defendant lives at Abernant and
calls herself "Annetta Hill".

Wm. Anderson,

Solicitor for Complainant.

Recorded in Vol..... Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this.....

day of 191.....

Sheriff.

Executed this..... day of

191.....

by leaving a copy of the within Summons with

Defendant

Sheriff

Deputy Sheriff.

*not found in
Tuscaloosa Co. Ala.
Per W. Hughes
sheriff
may 5. 1920*

State of Alabama) No
Baldwin County.)

Circuit Court, Baldwin County, Alabama.
In Equity.

W. H. Batchelder, Complainant.
vs.
Annetta Batchelder, Defendant.

This cause coming on to be heard in vacation, was submitted upon the Original and Amended Bill of Complaint, decree pro confesso against Annetta Batchelder and the depositions of W. H. Batchelder and Dan Washington, witnesses for complainant, 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 his said Bill.

It is therefore, Ordered, adjudged and decreed by the Court, that the Bonds of matrimony heretofore existing between the Complainant, W. H. Batchelder, and the Defendant, Annetta Batchelder, be and the same are hereby dissolved, and the said W. H. Batchelder is forever divorced from the said Annetta Batchelder, for and on account of the voluntary abandonment of the said W. H. Batchelder by the said Annetta Batchelder for more than two years next before the filing of the Bill in this case.

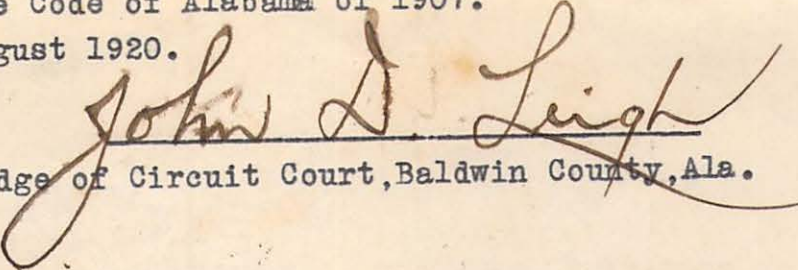
It is further ordered that the said W. H. Batchelder be, and he is hereby permitted to marry again, but he shall not marry again except to the said Annetta Batchelder until sixty days after the date of this decree, and if an appeal is taken within sixty days from this decree, he shall not marry again during the pendency of the appeal.

It is further ordered that the Complainant, W. H. Batchelder, be and he is awarded the care, custody and control of the minor child Wilmer Batchelder.

It is further ordered that Complainant pay the costs of this cause for which let execution issue.

This decree is made subject to the provisions of Sections 3170, 3171, 3172 and 3173 of the Code of Alabama of 1907.

This 18th day of August 1920.


Judge of Circuit Court, Baldwin County, Ala.