

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

April Term, 1940

Mary Hill Davis
No. 579 vs.
Wm. C. Davis

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1.00	Executing Writ of Injunction, or Ne Exeat, each..	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impanelling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50		
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*	Total Sheriff's Fees	
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg.,.....	.10		
Indorsing Depositions Published, each pkg.....	.10		
All Entries on Commission Docket, Each Cause.....	.50		
Entering Order Submitting Cases for Decree, each.....	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words of Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Re- ceiver or Trustee.....	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer ..	2.00		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....			
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales.....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each..	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
Certificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
<i>Original copy by Sheriff</i>			
Total Register's Fees	10 20		
		SUMMARY OF FEES, COSTS, AND JUDGMENT	
		Fees in Circuit Court—	
		Register's Fees.....	10 20
		Ex-Register's Fees.....	
		Sheriff's Fees.....	
		Ex-Sheriff's Fees.....	
		Witness Fees.....	
		Commissioner's Fees.....	
		Guardian Ad Litem.....	
		Publisher's Fees <i>Baldwin Times</i>	7 74 1/2
		Solicitor's Fees.....	
		Court Reporter's Fees, Per Day or fraction thereof ..	5 00
		Trial Tax.....	3 00
		Fees and Costs in Inferior Court:	
		Clerk of Inferior Court Fees.....	
		Sheriff's Fees.....	
		Witness Fees.....	
		Total Fees and Costs in Inferior Court	13 20
		Total Fees and Costs	
		Judgment	
		Total Fees, Costs, and Judgment	

Pa. by Walter Stallard
7/18/40 chl.
Receipt 533

CHANCERY EXECUTION

BILL OF COSTS

No. 599. Mary Nell Davis, Vs. William J. Davis,
Complainant *Respondent* Plaintiff Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$	6	50
Filing each bill and other papers 5 \$ 10		50	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.			
Issuing each subpoena 50		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.			
Issuing each copy thereof 40		40	Each notice sent by mail to creditor .. 15			
Entering each return thereof 15		15	Filing, receipting for and docketing each claim, etc. 25			
For each order of publication 1 00	7	15	For all entries on subpoena docket, etc. 50			
Issuing writ of injunction 1 50		15	For all entries on commission docket, etc. 50			
For each copy thereof 50		15	Making final record, per 100 words 15			
Entering each return thereof 15		15	Certified copy of decree 1 00			
Issuing Writ of Attachment 1 00		15	Report of divorce to State Health Office (Acts 1915) 50			
Entering each return thereof 15		15	Total Fees of Register			
Docketing each case 1 00	1	00	FEES OF SHERIFF			
Entering each appearance 25		100	Serving and returning subpoena on deft. \$1 50			
Issuing each decree pro confesso on per. ser. 1 00		100	Serving and returning subpoena for witness 65			
Issuing each decree pro confesso on publica. 1 00		100	Levying attachment 3 00			
Each order appointing guardian 1 00		50	Entering and returning same 25			
Any other order by Register 50		50	Selling property attached 75			
Issuing commission to take testimony 50		10	Impaneling Jury 75			
Receiving and filing 10		10	Executing writ of possession 2 50			
Endorsing each package 10		10	Collecting execution for costs 1 50			
Entering order submitting cause 50		50	Serving and returning sci. fa., each ... 65			
Entering any other order of court 25		50	Serving and returning notice 65			
Noting all testimony 50		75	Serving and returning writ of injunction 1 50			
Abstract of cause, etc. 1 00		75	Serving and returning writ of exeat ... 1 50			
Entering each decree 75		75	Taking and approving bonds, each ... 75			
For every 100 words over 500 15		75	Collecting money on execution 2 50			
Taking account, etc. 3 00		75	Making deed 2 50			
Taking testimony, etc. 15		75	Serving and returning application, etc. 1 00			
Each report, 500 words or less 2 50		75	Serving attachment, contempt of court 1 50			
For every 100 words over 500 15		75	Total Fees of Sheriff			
Amount claimed less than \$500, etc. 2 00		75	RECAPITULATION			
Issuing each subpoena 25		75	Register's Fees 9 00			
Witness certificate, each 25		75	Sheriff's Fees 1 50			
Issuing execution, each 75		75	Commissioner's Fees 5 00			
Entering each return 15		75	Solicitor's Fees			
Taking and approving bond, each 1 00		75	Witness Fees			
Making copy of bill, etc. 15		75	Guardian Ad Litem			
Each notice not otherwise provided for ... 50		75	Printer's Fees			
Each certificate or affidavit, with seal ... 50		75	Trial Tax 3 00			
Each certificate or affidavit, no seal ... 25		75	Recording Decree in Probate Court ...			
Hearing and passing on application, etc. 3 00		75	Total			
Each settlement with receiver, etc 3 00		75				
Examining each voucher of Receiver, etc. 10		75				
Examining each answer, etc. 3 00		75				
Recording resignation, etc. 75		75				
Entering each certificate to Supreme Court 50		75				
Taking questions and answers, etc. 25		75				
For all other ser relating to such proceedings 1 00		75				
For services in proceeding to relieve minors, etc. same fee as in similar cases.		75				
Commission on sales, etc: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1 1-2 per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.		75				
Sub Total Carried Forward	6	50				

The State of Alabama, { No. 599
 Baldwin County. Circuit Court, In Equity Term, 1930

To Any Sheriff of the State of Alabama—GREETING:
 You are hereby commanded, That of the goods and chattels, lands and tenements of

Mary Nell Davis Defendant

you cause to be made the sum of \$18.50 Dollars,

which _____ Plaintiff

recovered of _____ on the 24 day of April 1930

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,

costs of suit, and have the same to render to the said R.S. Dersch

and make return of this Writ and the execution thereof, according to law.

Interest from _____ 1930 to date of collection.

Witness my hand, this 15 day of June 1930

R.S. Dersch, Register.

STATE OF ALABAMA)

COUNTY OF BALDWIN)

MARY NELL DAVIS VS. WILLIAM A. DAVIS

In the Circuit Court of Baldwin County, Alabama, In Equity, No. 599.

Deposition of MARY NELL DAVIS, the complainant in the above entitled cause, by the Commissioner, and at the place, time and in the manner hereinafter stated:

Mary Nell Davis, after being first duly sworn, doth depose and say:

DIRECT EXAMINATION

My name is Mary Nell Davis. I am the complainant in the above styled cause. I am over the age of twenty-one years and have been residing continuously within the State of Alabama for two years next preceding the filing of this complaint, residing in the Town of Fairhope, Alabama during all of said time. The defendant, or respondent, is also over the age of twenty-one years, but is a non-resident of the State of Alabama. I do not know the place of his residence nor his Post Office address. I have exercised due diligence and reasonable efforts to locate the residence and Post Office address of the respondent. I have inquired of his nearest relatives but have not been able to find out from them his address. I have also written to various Seamen Institutes toward this end in view of the fact that the respondent was, when last heard from, a seaman sailing on ships touching foreign and domestic ports.

The respondent, William A. Davis, and I, were lawfully married on August 12, 1928, and lived together as husband and wife until about September 15, 1934. Dur-

ing said month in 1934 my husband abandoned me without cause or fault on my part and since that date I have lived separate and apart from his bed and board for more than two years. Since 1934, up to the time of the filing of this bill, and up to the present time, I have not received any support from him, directly or indirectly, nor have my children received any support or maintenance from him during all of said time.

Of our marriage there were born two children whose names and ages are as follows:

William A. Davis, Jr., Age 10,
Mary Arden Davis, Age 6.

Both of these children are residing with your complainant.

Mary Nell Davis

C E R T I F I C A T E

I, CATHERINE C. CANTRELL, under and by virtue of a commission issued out of the Circuit Court in Equity of Baldwin County, Alabama, in said entitled cause, therein pending, do hereby certify that I caused to come before me at 9:30 A. M., 717 Annex First National Bank Building, Mobile, Alabama, in Mobile County, Alabama, on the 12th day of April, 1940, the aforesaid witness, Mary Nell Davis, who is also the complainant; that I have personal knowledge of the said Mary Nell Davis; that said witness, after being duly sworn to tell the truth, the whole truth and nothing but the truth, was examined by me and testified as hereinbefore shown, her answer being reduced to writing as near as might be, in her own language; whereupon she subscribed her name to the same, in my presence.

And I further certify that I am neither of counsel nor kin to any of the parties in said cause, nor in any manner interested in the result thereof.

WITNESS my hand and seal, this 12th day of April, 1940.

Catherine C. Cantrell
Commissioner.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

CATHERINE C. CANTRELL

TO _____

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 _____

Mary Nell Davis, Complainant

and

Maude Davis

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

MARY NELL DAVIS,

Complainant

and WILLIAM A. DAVIS,

Defendant,

on oath to be by you administered, upon _____ them _____

to take and certify the deposition^s of the witness^{es} and return the same to our Court, with all convenient speed, under your hand.

Witness _____ 29th _____ day of _____ March _____, 19 40.

R. S. Duct

REGISTER

Commissioner's Fee \$ *Paid*

Witness' Fees, \$ _____

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: R. S. Duch
Register Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____ 194_____

ATTEST: _____
Register Circuit Court, Baldwin County, Ala.

No. 598 Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

Mary Nell Davis

Complainant
vs. Plaintiff

John A. Davis

Respondent Defendant

EQUITY COST BILL

Term, 19_____

Fee Book _____, Page _____

Plaintiff's Attorney.

Defendant's Attorney.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

MARY NEIL DAVIS,

Complainant

VS.

WILLIAM A. DAVIS

Defendant

Commission To Take Deposition

COMMISSIONER:

CATHERINE C. CAMPBELL

Witnesses:

MAUDE DAVIS, Witness on be-
half of Complainant.

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

Mary Nell Davis,
Complainant,

Vs.

William A. Davis, Respondent.

This cause coming on to be heard was submitted for decree on the Pleadings, Decree Pro Confesso, entered by the Court against the defendant on the 29 day of March, 1940, and the testimony as shown by the note of submission on file, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief ~~prayed~~^{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 Mary Nell Davis is forever divorced from the said William A. Davis for and on account of the said Defendant, William A. Davis, having abandoned the Complainant, Mary Nell Davis, who, by reason of such abandonment has lived separate and apart from the bed and board of said Defendant for more than two years and without support from him for more than two years next preceding the filing of the bill of complaint in this cause; it also having been made to appear that said Complainant has been a bona fide resident citizen of this State, residing within the aforesaid County, for more than two years next preceding the filing of the bill of complaint.

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.

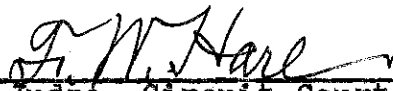
It is further ORDERED, ADJUDGED and DECREED that Mary Nell Davis, be and she is hereby permitted to again contract marriage, subject to such provisions of the law as regulate the marriage of divorced persons, but in no event before the expiration of sixty days from the rendition of this decree, or during the pendency of any appeal which may be taken therefrom.

It is further ORDERED, ADJUDGED and DECREED THAT the Complainant, Mary Nell Davis, be and she hereby is awarded the permanent care, custody and control of her two children born of said marriage, whose names are as follows:

William A. Davis, Jr., and
Mary Arden Davis.

It is further ORDERED that Mary Nell Davis, the Complainant, pay the cost herein to be taxed, for which execution may issue.

Done this 24th day of April, 1940.



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 _____, 1940.

Register of Circuit Court, in Equity.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
No. 599

Term, 192

MARY NELL DAVIS,

Complainant.

vs. WILLIAM A. DAVIS,

Defendant.

In this cause it appears to the Register R. S. Duck, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 21st day of December, 1939, 192, 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 21st day of December, 1939 192, and

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

MARY NELL DAVIS

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 that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said William A. Davis

This 29th day of March, 1940 192

R. S. Duck Register.

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

NOTICE TO NON-RESIDENT

The State of Alabama, Baldwin County, Circuit Court, in Equity. This the 15th day of December, 1939.

MARY NELL DAVIS, Complainant, No. 539, vs. WILLIAM A. DAVIS, Respondent.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Mary Nell Davis, that the Defendant, William A. Davis is a non-resident of the State of Alabama, that his present place of residence and post-office address is unknown to Complainant; 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 William A. Davis to answer or demur to the Bill of Complaint in this cause by the 22nd day of January, 1940, or after forty days therefrom a decree Pro Confesso may be taken against him.

R. S. DUCK, Register. 47-44

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner, 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

Mary Nell Davis vs William A Davis

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

Date of first publication	<i>December 21, 1939</i>	Vol. <i>50</i> No. <i>47</i>
Date of second publication	<i>" 28, 1939</i>	Vol. <i>50</i> No. <i>48</i>
Date of third publication	<i>January 4, 1940</i>	Vol. <i>50</i> No. <i>49</i>
Date of fourth publication	<i>" 11, 1940</i>	Vol. <i>50</i> No. <i>50</i>

Subscribed and sworn before the undersigned this day of

Jan. 1 19*40*
Ina Herron
Notary Public
Baldwin Co. Ala.

J. H. Faulkner
Publisher

MARY NELL DAVIS,		
Complainant		IN THE CIRCUIT COURT OF
		BALDWIN COUNTY, ALABAMA
vs.		
		IN EQUITY
WILLIAM A. DAVIS,		No. _____
Defendant		

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Comes now Mary Nell Davis, complainant in this cause, and exhibits this her bill of complaint against William A. Davis, defendant, and respectfully represents and shows unto Your Honor as follows:

ONE

That she is a bona fide resident citizen of the Town of Fairhope, State of Alabama, and has been such continuously for more than two years next preceding the filing of this bill of complaint; that both the complainant and the defendant are over the age of twenty-one years;

TWO

That the defendant herein is a non-resident of the State of Alabama, whose place of residence and post-office address is unknown and cannot be ascertained, although reasonable efforts and due diligence have been exercised by your complainant; that her diligence and efforts consisted in inquiring of the nearest relatives of said defendant as to his residence and post-office address; that the mother of said defendant advised your oratrix that she did not know the place of residence or the post-office address of her son, the defendant herein, and that the said defendant, when last heard from, was a seaman sailing on ships touching foreign and domestic ports, but that she, the mother of said defendant,

could not locate him although efforts had been made by her to that end by writing to various seaman institutes;

THREE

That she and the defendant were lawfully married on, to-wit, August 12, 1928, and lived together as husband and wife until, to-wit, September 15, 1934, at which latter date your complainant was abandoned by her husband and that she has lived separate and apart from the bed and board of her husband, without support from him, for more than two years next preceding the filing of this bill of complaint, and that she is still living separate and apart from her husband without any support from him;

FOUR

That of this marriage there were born two children whose names and ages are as follows:

William A. Davis, Jr., age ten

Mary Arden Davis, age five;

that both of her said children are residing with your complainant.

PRAYER FOR PROCESS

The premises considered, your oratrix respectfully prays that the Register of this Honorable Court will cause publication to be made to the defendant for such time and in such manner as is required by the laws of the State of Alabama, commanding the said defendant, within the time specified and required by law and by the order of publication, to appear in this Court and to plead, answer, or demur to the bill of complaint in this cause exhibited against him.

PRAYER FOR RELIEF

Your complainant further prays that Your Honor, upon a final hearing of the evidence in this cause, will order, adjudge and decree that the bonds of matrimony that heretofore existed between your oratrix and the defendant shall be forever dissolved and the custody and control of her said children be by this Honorable Court awarded permanently to her.

Your oratrix further prays that she be permitted and allowed by the decree herein prayed for to again remarry at the expiration of sixty days from the rendition of the decree, should it be her desire to again enter into the bonds of matrimony.

Your complainant prays for such other, further and general relief to which in equity and good conscience she may be entitled.

Respectfully submitted,

/S/ Walter F. Gaillard
Solicitor for Complainant

FOOT-NOTE:

The respondent is required to answer each paragraph and section of this bill of complaint numbered from One through Four, inclusive, but not under oath, answer under oath being hereby expressly waived.

/S/ Walter F. Gaillard
Solicitor for Complainant

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, Catherine C. Cantrell, a Notary Public in and for said State and County, personally appeared Mary Nell Davis, who, being by me first duly sworn, doth depose and say that

she has read the foregoing bill of complaint and that the facts as alleged therein are in all respects true and correct.

/S/ Mary Nell Davis

Subscribed and sworn to before
me this 14th day of December,
1939.

/S/ Catherine C. Cantrell
Notary Public, Mobile County, Alabama.

2-11-39

RECORDED

MARY NELL DAVIS,		
Complainant		IN THE CIRCUIT COURT OF
		BALDWIN COUNTY, ALABAMA
vs.		
		IN EQUITY
WILLIAM A. DAVIS,		No. _____
Defendant		

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Comes now Mary Nell Davis, complainant in this cause, and exhibits this her bill of complaint against William A. Davis, defendant, and respectfully represents and shows unto Your Honor as follows:

ONE

That she is a bona fide resident citizen of the Town of Fairhope, State of Alabama, and has been such continuously for more than two years next preceding the filing of this bill of complaint; that both the complainant and the defendant are over the age of twenty-one years;

TWO

That the defendant herein is a non-resident of the State of Alabama, whose place of residence and post-office address is unknown and cannot be ascertained, although reasonable efforts and due diligence have been exercised by your complainant; that her diligence and efforts consisted in inquiring of the nearest relatives of said defendant as to his residence and post-office address; that the mother of said defendant advised your oratrix that she did not know the place of residence or the post-office address of her son, the defendant herein, and that the said defendant, when last heard from, was a seaman sailing on ships touching foreign and domestic ports, but that she, the mother of said defendant,

she has read the foregoing bill of complaint and that the facts as alleged therein are in all respects true and correct.

Mary Nell Davis

Subscribed and sworn to before
me this 14th day of December,
1939.

Catherine O. Cautrell
Notary Public, Mobile County, Alabama.

LAW OFFICES OF
GAILLARD & GAILLARD
717-21 ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

S. PALMER GAILLARD
S. PALMER GAILLARD, JR.
WALTER F. GAILLARD

March 20, 1940

Baldwin Times
Bay Minette, Alabama


Re: Mary Nell Davis vs. William A. Davis.

Gentlemen:

Enclosed herewith is my check in the amount of \$7.74
in payment of the publication in the above matter.

I will appreciate your filing with the Clerk of the
Circuit Court, Equity Division, proof of publication.

Yours very truly,



WALTER F. GAILLARD

WFG/md
Encl: 1

THE BALDWIN TIMES

REGISTERED IN THE LAND OF THE COMMONWEALTH

PRINTED AND PUBLISHED FOR THE PROPRIETOR

BY MRS. A. A.

AFFIDAVIT OF PUBLICATION

IN THE COUNTY OF

RECORDED
8-119 B x c

DAVIS VS. DAVIS
EQUITY NO. 599

Filed Jan. 1 - 1940

*R.S. Smith
Reporter*

No. Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

vs.

**DECREE PRO CONFESSO
OF PUBLICATION**

Issued *March 23 1910*

R. S. Duck
Register.

Recorded in Record

Vol. Page

Register.

Moore Printing Company, Bay Minette, Ala.

RECORDED 2, 5 28

Final Answer

Filed April 24, 1940
R.S. Buck, Register

Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

Main body of faint, illegible text, likely the body of a letter or document.

Second section of faint, illegible text, possibly a continuation of the main body.

Third section of faint, illegible text, possibly a closing or signature area.

MARY NELL DAVIS,

Complainant,

vs.

WILLIAM A. DAVIS,

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; Depositions of Mary Nell Davis, and _____
Maude Davis; _____

and in behalf of Defendant upon _____

R. S. Duch

Register.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 599 Spring '40 Term, 193

MARY NELL DAVIS, Complainant

Vs.

WILLIAM A. DAVIS, 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 Gaillard & Gaillard

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.

WALTER F. GAILLARD
Solicitor for Complainant.

THE STATE OF ALABAMA, }
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 599 Term, 193.....

MARY NELL DAVIS, , Complainant..

Vs.

WILLIAM A. DAVIS, Defendant..

Motion is hereby made for a Decree Pro Confesso against

WILLIAM A. DAVIS 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 29th day of March, 1940 193.....

GAILLARD & GAILLARD
.....
Solicitor.

No.

Page

**State of Alabama,
Baldwin County.**

CIRCUIT COURT, IN EQUITY.

Complainant

Vs.

Defendant

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

Filed March 29, 1940 , 193

R. S. Rush

Register.

Recorded in Record,

Vol. Page

Register.

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

Vs.

**REQUEST FOR DECREE IN
VACATION**

Filed April 17, 1940, 193

R. S. Duck

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED 2, 528

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 17th

day of April, 1940 193

R. S. Duck

REGISTER

LAW OFFICES OF
AILLARD & GAILLARD
717-21 ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

TO:

R. S. DUCK, Register & Clerk of
The Circuit Court, Baldwin County
Bay Minette, Alabama

DEPOSITIONS OF MARY NEIL DAVIS, Com-
plainant in said cause and MAUDE DAVIS,
Witness on behalf of Complainant.

*Filed April 17, 1940
R. S. Duck, Register*

VS.
WILLIAM A. DAVIS,
Defendant.

Complainant,

Probate Judge: (4-19-45)
Some ten days or more ago, I mailed a letter of inquiry to you regarding the recording of a divorce between my son, Wm A. Davis & Mary Nell A. Davis. I am very anxious to learn if it is on record there at all at an early date. Thanking you for said information, I am - Very truly -
Mrs. Nellie K. Eaton.
P.O. Box Talladega, Ala.
Fairbairn ex Rte 73, 45044

Statement

THE BALDWIN TIMES

BAY MINETTE, ALABAMA

January 1, 1940
Hon. R. S. Duck

city

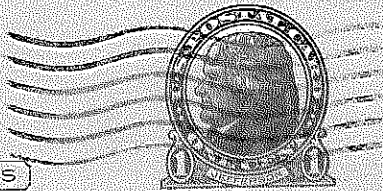
Advertising:

Mary Nell Davis vs.
William A. Davis -

122 words @ 4 1/2¢

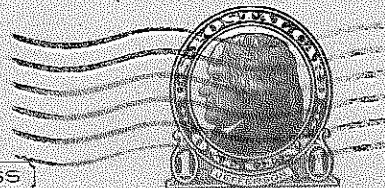
\$7.74

Job Printing:



THIS SIDE OF CARD IS FOR ADDRESS

Probate Judge -
Baldwin County -
P. M. Smith



THIS SIDE OF CARD IS FOR ADDRESS

Probate Judge -
Baldwin County -
Bay Minette,
Ala..

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

April Term, 1940

Mary Hill Davis,
No. *599* vs.
Wm. A. Davis

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1.00	Executing Writ of Injunction, or Ne Exeat, each..	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impanelling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50		
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*	Total Sheriff's Fees	
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg.....	.10		
Indorsing Depositions Published, each pkg.....	.10		
All Entries on Commission Docket, Each Cause.....	.50		
Entering Order Submitting Cases for Decree, each.....	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words or Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Re- ceiver or Trustee	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer ..	3.00		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....			
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each.....	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
Certificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
<i>Antiquated Copy of Decree</i>	1.00		
Total Register's Fees	10 20		
		SUMMARY OF FEES, COSTS, AND JUDGMENT	
		Fees in Circuit Court—	
		Register's Fees	10 20
		Ex-Register's Fees	
		Sheriff's Fees	
		Ex-Sheriff's Fees	
		Witness Fees	
		Commissioner's Fees <i>paid</i>	
		Guardian Ad Litem	
		Publisher's Fees <i>Baldwin Times</i>	7 74 <i>pd</i>
		Solicitor's Fees	
		Court Reporter's Fees, Per Day or fraction thereof ..	5 00
		Trial Tax	3 00
		Fees and Costs in Inferior Court:	
		Clerk of Inferior Court Fees	
		Sheriff's Fees	
		Witness Fees	
		Total Fees and Costs in Inferior Court	13 20
		Total Fees and Costs	
		Judgment	
		Total Fees, Costs, and Judgment	

THE STATE OF ALABAMA, BALDWIN COUNTY,

CIRCUIT COURT, IN EQUITY.

Mary Nell Davis,
Complainant,

Vs.

William A. Davis,
Respondent.

This cause coming on to be heard was submitted for decree on the pleadings, Decree Pro Confesso, entered by the Court against the Defendant on the 29 day of March, 1940, and the testimony as shown by the note of submission on file, 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 Mary Nell Davis is forever divorced from the said William A. Davis for and on account of the said Defendant, William A. Davis, having abandoned the Complainant, Mary Nell Davis, who, by reason of such abandonment has lived separate and apart from the bed and board of said Defendant for more than two years and without support from him for more than two years next preceding the filing of the bill of complaint in this cause; it also having been made to appear that said Complainant has been a bona fide resident citizen of this State, residing within the aforesaid County, for more than two years next preceding the filing of the bill of complaint.

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, ADJUDGED and DECREED that Mary Nell Davis, be and she is hereby permitted to again contract marriage, subject to such provisions of the law as regulate the marriage of divorced persons, but in no event before the expiration of sixty days from the rendition of this decree, or during the pendency of any appeal which may be taken therefrom.

It is further ORDERED, ADJUDGED and DECREED that the Complainant, Mary Nell Davis, be and she hereby is awarded the permanent care, custody and

control of her two children born of said marriage, whose names are as follows:

William A. Davis, Jr., and
Mary Arden Davis.

It is further ORDERED that Mary Nell Davis, the Complainant, pay the cost herein to be taxed, for which execution may issue.

Done this 21th day of April, 1940.

F. W. HARE
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 _____, 1940.

Register of Circuit Court, in Equity.