

(4749)

CERTIFICATE

I, Peggy Preston, the Commissioner appointed by the Court and named in the attached commission, or named by agreement of the parties, in that certain cause now pending in the Honorable Circuit Court of ~~Mobile~~ Baldwin County, Alabama, Sitting in Equity, No. _____, wherein

EDITH MAE SMITH is Complainant, and WILLIAM B. SMITH

is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused EDITH MAE SMITH, and L. W. Bindham

are who were made known to me, to come before me at 3:00 o'clock P. M., on Octo. 30, 19 59, at 56 S. Conception St. Mobile, Alabama; that said witnesses were first duly sworn

by me as stated; that they were then examined by William Grayson, Solicitor for the Complainant, and ~~cross examined by~~

~~Solicitor for~~
~~Guardian Ad Litem &~~
~~Attorney Ad Litem for~~ _____, and they testified in

response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near might be the identical language of said witnesses, and that, after said testimony had been so reduced to writing, it was by me read over to said witnesses; who assented to and signed same, ~~who refused to sign same; who was physically unable to sign same; who~~

~~waived the reading and signing of same~~, in my presence and in the presence of said Solicitor for

Solicitor for
_____ and Guardian Ad Litem &
Attorney Ad Litem for

I further certify that I am not of counsel or kin to any of the parties to the said cause, and am not in anywise interested in the result thereof, and that the depositions are true and correct as given by the witnesses.

Witness my hand this 30th day of October, 1959.

Peggy Preston
Commissioner

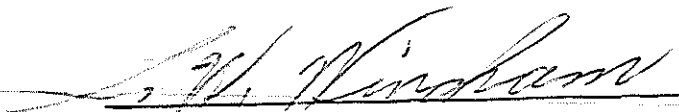
TESTIMONY OF EDITH MAE SMITH, WITNESS ON HER OWN BEHALF:

Testimony of myself Edith Mae Smith. I am the Complainant in this cause, and I am the wife of the Respondent. The Respondent and I were married to each other on July of 1952 in Quitman, Mississippi. Both myself and the Respondent are each over the age of twenty-one years and were such at the time of the filing of the bill of complaint herein. Both myself and the Respondent are bona-fide resident citizens of the State of Alabama and have been such for more than one year next preceding the filing of the bill of complaint herein. There are two minor children as issue of our marriage, Ted Rieman Smith, age six years and Randy Smith, age one year. Said children live and reside with me and I think that I am a fit and proper person to be granted their custody and control. The Respondent has committed actual violence upon my person, attended with danger to my life and health, and from his conduct there is reasonable apprehension of such violence being inflicted upon my person if I were to ever live with the Respondent again in any respect as husband and wife. The Respondent is a man of very quick and mean temper which he lets get the best of him when things don't go to suit him. He has lost his temper with me and has struck me in the face and on and about my body on several different occasions. He has cussed and abused me for nasty and vulgar names on more than one occasion. On other occasions he has hit me with such force and violence that I have been caused to wear bruises on and about my body for several days at a time after he would beat me up. On one particular occasion I was forced to have the Respondent locked up to keep him from hurting me. I do not ever intend to live with the Respondent again because of his temper and because of his cruelty.

Edith Mae Smith

TESTIMONY OF L. W. WINDHAM, WITNESS ON BEHALF OF THE COMPLAINANT.

My name is L. W. Windham and I have known the Complainant in this cause for approximately one year. The Complainant is the wife of the Respondent and they were married to each other in July of 1952 in Quitman, Mississippi. Both the Complainant and the Respondent are each over the age of twenty one years and both the Complainant and the Respondent are bona-fide resident citizens of the State of Alabama and have been such for more than one year next preceding the filing of the bill of complaint herein. There are two minor children as issue of their marriage, Ted Rieman Smith, age six years and Randy Smith, age one year. Said children live and reside with the Complainant and she is a fit and proper person to be granted their custody and control. The Respondent has committed actual violence upon the person of the Complainant, attended with danger to her life and health, or from his conduct there is reasonable apprehension of such violence being inflicted upon the person of the Complainant if she were to ever live with the Respondent again in any respect as husband and wife. I have been present when the Respondent has cursed and abused the Complainant for nasty and vulgar names and has made threats to do her bodily harms. I have seen bruises on the arms and body of the Complainant which were the result of the Respondent's having lost his temper and having beat the Complainant up.



EDDITH MAE SMITH
Complainant

IN THE CIRCUIT COURT OF

No. _____ vs. _____

BALDWIN
~~MOBILE~~ COUNTY, ALABAMA

WILLIAM B. SMITH,
Defendant

IN EQUITY

ANSWER AND WAIVER,
AGREEMENT

Comes the defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegation of said Bill of Complaint and demands strict proof thereof.

I understand that the testimony in this cause will be taken in open Court on oral examination, and waive notice of the time of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause.

* - * - * William B. Smith
Defendant

NOTE: The space below is intended for "Agreements Between the Parties" Defendant agrees that the Complainant should be granted the custody and control of their two minor children, subject to his right to see and visit with said minor children.

William B. Smith
Defendant.

Edith Mae Smith
Complainant.

ATTEST:

1. Paris E. Nikes
2. Miss E. C. Belancourt

STATE OF _____

COUNTY OF _____

I, _____, a NOTARY PUBLIC in and for said State and County, do hereby certify that _____, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day, that being informed of the contents of the instrument, _____ executed the same voluntarily on the day same bears date.

Witness my hand and seal this _____ day of _____, 19____.

NOTARY PUBLIC

FILED _____ STATE OF _____
_____, Register COUNTY OF _____

EDITH MAE SMITH,
Complainant,

-vs-

WILLIAM B. SMITH
Respondent.

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

NO. _____

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Comes the Complainant in the above styled cause and shows unto Your Honors and unto this Honorable Court as follows:

ONE

Complainant is the wife of the Respondent and they were married to each other on July of 1952 in Quitman, Mississippi. Both the Complainant and the Respondent are each over the age of twenty-one years and both the Complainant and the Respondent are bona-fide resident citizens of the State of Alabama and have been such for more than one year next preceding the filing of the bill of complaint herein. There are two minor children as issue of their marriage, Ted Rieman Smith, age six years and Randy Smith, age one year. Said children live and reside with the Complainant and she is a fit and proper person to be granted their custody and control.

TWO

The Respondent has committed actual violence upon the person of the Complainant, attended with danger to her life or health, or from his conduct there is reasonable apprehension of such violence.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction of this cause, will make the said William B. Smith, party-respondent hereto, and will cause him to appear, plead, answer or demur hereto within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that Your Honors will see fit to grant her an absolute divorce from the bonds of matrimony with the Respondent, and Complainant prays that your Honors will grant her the custody and control of their minor children, and Complainant further prays for such other, further or different relief as in equity she may be due, and as in duty bound she will ever pray, etc.

FILED
OCT 27 1952
ALICE J. DUCK, CLERK
REGISTER

William L. Brown
SOLICITOR FOR COMPLAINANT.

EDITH MAE SMITH

No. _____ VS. _____

WILLIAM B. SMITH,

Entered on _____

Min. Book No. _____ Entry _____

~~XXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXXXXXXXXXXXXXXXX~~ Register

ALICE J. DUCK

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

1. Bill of Complaint
2. Answer, Waiver and Agreement
3. Testimony of Edith Mae Smith and of L. W. Windham, witness on behalf of the Complainant in this cause.

William L. Taylor

 Solicitor—For Complainant

FOR RESPONDENT

FILED. *Oct 31, 1959*

Alice J. Duck Register

Solicitor—For Respondent

mu

No. _____

EDITH MAE SMITH

Vs.

WILLIAM B. SMITH

ORDER OF SUBMISSION
NOTE OF EVIDENCE

Filed **FILED**

OCT 31 1959

ALICE J. DUCK, Registered Register

Ent. Min. No. _____ Entry _____

EXHIBITS TO FILE

State of Michigan, County of _____

IN SENATE

DO NOT WRITE IN THESE SPACES

RECEIVED

THE STATE OF ALABAMA, ^{BALDWIN} ~~MOBILE~~ ~~MOBILE~~ COUNTY

EDITH MAE SMITH
Complainant,
No. vs.
WILLIAM B. SMITH
Defendant

CIRCUIT COURT — IN EQUITY
AT ~~MOBILE~~ ALABAMA
Entered on Bay Minette, Alabama
Min. Book No. _____ Entry _____

DECREE OF DIVORCE

This cause is submitted for decree on the pleadings, decree pro confesso and the testimony as shown by the note of submission on file, and on consideration, it is ordered, adjudged and decreed by the Court that the Complainant is entitled to relief, and that the bonds of matrimony heretofore existing between the Complainant and the Defendant be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that Complainant and Defendant be, and hereby are permitted to again contract marriage, subject to such provision of the law as regulate the marriage of divorced persons, and in no event before the expiration of sixty days after the rendition of this decree.

The parties hereto have entered into an agreement, which is in open Court and on record in writing and on file in this cause; the Court approves said agreement and orders and decrees as follows:

That the Complainant be, and she hereby is granted the custody and control of their two minor children, subject to the right of the Defendant to see said children at all reasonable times.

The Court retains jurisdiction of this cause for the purpose of making such other or further order or decrees as may be necessary as to the carrying out of said agreement by said parties as the Court may deem proper, and as changed conditions may require.

It is further ordered that _____ Complainant.
pay the cost of this suit, for which execution may issue.

Dated, December 1, 1959, Hubert M. Hall
Judge

47749
65664

the parties hereto have entered into a written agreement...

and the parties hereto have entered into a written agreement...

and the parties hereto have entered into a written agreement...

Handwritten mark

CIRCUIT COURT OF MOBILE COUNTY
Baldwin
IN EQUITY
AT MOBILE, ALABAMA
Bay Minette,
No. _____

Edith Mae Smith
VS.

WILLIAM G. SMITH

Vertical text

DECREE

Entered on _____

Min. Book No. _____ Entry _____