

# The State Of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

Elizabeth Faircloth Smith, Complainant

VS

Leroy Smith, Respondent  
Answer of Defendant

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Excess Pro Confess~~ on \_\_\_\_\_ 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 Elizabeth Faircloth Smith is forever divorced from the said

Leroy Smith

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 Elizabeth Faircloth Smith and Leroy Smith be, and ~~they are~~ hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 20<sup>th</sup> day of December, 1941.

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

I, \_\_\_\_\_, Register of the Circuit Court of 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.

RECORDED

No. .... Page .....

**The State Of Alabama**  
Baldwin County

In Circuit Court, In Equity

Elizabeth Faircloth

Smith, .....  
vs. Complainant.

Leroy Smith,

.....  
Respondent.

**DIVORCE DECREE**

ELIZABETH FAIRCLOTH SMITH	)	
Complainant	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA.
LEROY SMITH	)	IN EQUITY.
Respondent	)	

Comes your Complainant, Elizabeth Faircloth Smith, and exhibits this her Bill of Complaint for divorce against Leroy Smith and shows unto your Honor and this Court as follows:-

FIRST:

That your Complainant is over the age of eighteen years and a bona fide resident of the State of Alabama, having resided therein for more than one year, her present address being Foley, Alabama; that the Respondent is a member of the Armed Forces of the U. S., his present address being Company F, 155 Infantry, 31st Division, Fort Jackson, S. C.

SECOND:

That your Complainant and the Respondent were married on, to-wit, December 9, 1939 and lived together as man and wife until September 8, 1940, when because of the matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent; that the Respondent struck the Complainant with his fist and committed other actual violence to her person, attended with danger to her life and health; that he used abusive and offensive language and threatened her with violence.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, your Complainant prays that Leroy Smith be made a party defendant to this cause by the usual process of this Honorable Court requiring him to plead, answer or demur within the time and under the penalties prescribed by

(Page Two)

the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that your Complainant be granted a divorce from the said Respondent; and that your Complainant be given the right to remarry. Should your Complainant be mistaken in the relief prayed for that there be granted to her such other, different and general relief to which she may be entitled, and as in duty bound she will ever pray.

*Heppart, Hoorn & Hoorn*  
Solicitors for Complainant.

# CHANCERY EXECUTION

## BILL OF COSTS

No. 783 Elyabeth Faircloth Smith vs. Leroy Smith Plaintiff  
Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	Total
Filing each bill and other papers.....\$	10		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%.	545
Issuing each subpoena.....	50		Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof.....	40		Each notice sent by mail to creditor...	15
Entering each return thereof.....	15		Filing, receipting for and docketing each claim, etc.....	25
For each order of publication.....	1 00		For all entries on subpoena docket, etc.....	50
Issuing writ of injunction.....	1 50		For all entries on commission docket, etc.....	50
For each copy thereof.....	50		Making final record, per 100 words	15
Entering each return thereof.....	15		Certified copy of decree.....	1 00
Issuing Writ of Attachment.....	1 00		Report of divorce to State Health Office.....	50
Entering each return thereof.....	15		(Acts 1915)	
Docketing each case.....	1 00		Total Fees of Register.....	1145
Entering each appearance.....	25		FEES OF SHERIFF	
Issuing each decree pro confesso on per. ser.....	1 00		Serving and returning subpoena on deft.....	\$1 50
Issuing each decree pro confesso on publication.....	1 00		Serving and returning subpoena for witness.....	65
Each order appointing guardian.....	1 00		Levyng attachment.....	3 00
Any other order by Register.....	50		Entering and returning same.....	25
Issuing commission to take testimony.....	50		Selling property attached.....	75
Receiving and filing.....	10		Impaneling Jury.....	2 50
Endorsing each package.....	10		Executing writ of possession.....	1 50
Entering order submitting cause.....	50		Collecting execution for costs.....	1 50
Entering any other order of court.....	25		Serving and returning sci. fa., each.....	65
Noting all testimony.....	50		Serving and returning notice.....	65
Abstract of cause, etc.....	1 00		Serving and returning writ of injunction.....	1 50
Entering each decree.....	75		Serving and returning writ of exeat.....	1 50
For every 100 words over 500.....	15		Taking and approving bonds, each.....	75
Taking account, etc.....	3 00		Collecting money on execution.....	2 50
Taking testimony, etc.....	15		Making deed.....	2 50
Each report, 500 words or less.....	2 50		Serving and returning application, etc.....	1 00
For every 100 words over 500.....	15		Serving attachment, contempt of court.....	1 50
Amount claimed less than \$500, etc.....	2 00		Total Fees of Sheriff.....	150
Issuing each subpoena.....	25		RECAPITULATION	
Witness certificate, each.....	25		Register's Fees.....	1145
Issuing execution, each.....	75		Sheriff's Fees.....	150
Entering each return.....	15		Commissioner's Fees.....	500
Taking and approving bond, each.....	1 00		Solicitor's Fees.....	
Making copy of bill, etc.....	15		Witness Fees.....	
Each notice not otherwise provided for.....	50		Guardian Ad Litem.....	
Each certificate or affidavit, with seal.....	50		Printer's Fees.....	
Each certificate or affidavit, no seal.....	25		Trial Tax.....	3 00
Hearing and passing on application, etc.....	3 00		Recording Decree in Probate Court.....	
Each settlement with receiver, etc.....	3 00		Total.....	2195
Exam'ing each voucher of Receiver, etc.....	10			
Examining each answer, etc.....	3 00			
Recording resignation, etc.....	75			
Entering each cert. to Supreme Court.....	50			
Taking questions and answers, etc.....	25			
For all other ser. relating to such proceedings.....	1 00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.....				
Commission on sales, etc.: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1½ per ct.; all over \$1,000, an dnot exceeding \$20,000, 1 per ct.; all over \$20,000, ¼ of 1 per ct.				
Sub Total Carried Forward.....	525			

The State of Alabama, } No. Dec Term, 1942  
Baldwin County. } Circuit Court, In Equity

To Any Sheriff of the State of Alabama—GREETINGS:  
You are hereby commanded, That of the goods and chattels, lands and tenements of Elyabeth Faircloth Smith Defendant.....  
you cause to be made the sum of 2195 Dollars,  
which \_\_\_\_\_ Plaintiff.....  
recovered of Her on the 20 day of Dec 1942  
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of 2195 Dollars,  
costs of suit, and have the same to render to the said \_\_\_\_\_  
and make return of this Writ and the execution thereof, according to law.

Interest from \_\_\_\_\_ 1942 to date of collection.  
Witness my hand, this 17 day of Feb 1942.  
R. Smith, Register.

ELIZABETH FAIRCLOTH SMITH

Complainant

-vs-

LEROY SMITH

Respondent

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

Comes your Complainant, Elizabeth Faircloth Smith, and exhibits this her Bill of Complaint for Divorce against Leroy Smith and shows unto your Honor and this Court as follows:-

FIRST:

That your Complainant is over the age of eighteen years and a bona fide resident of the State of Alabama, having resided therein for more than one year, her present address being Foley, Alabama; that the Respondent is a member of the Armed Forces of the U. S., his present address being Company F, 155 Infantry, 31st Division, Fort Jackson, S. C.

SECOND:

That your Complainant and the Respondent were married on, to-wit, December 9, 1939 and lived together as man and wife until September 8, 1940, when because of the matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent; that the Respondent struck the Complainant with his fist and committed other actual violence to her person, attended with danger to her life and health; that he used abusive and offensive language and threatened her with violence.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, your Complainant prays that Leroy Smith be made a party defendant to this cause by the usual process of this Honorable Court requiring him to plead, answer or demur within the time and under the penalties prescribed by

(Page one)

(Page Two)

the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that your Complainant be granted a divorce from the said Respondent; and that your Complainant be given the right to remarry. Should your Complainant be mistaken in the relief prayed for that there be granted to her such other, different and general relief to which she may be entitled, and as in duty bound she will ever pray.

*Handwritten signature and initials, possibly "B. B. B."*

*Handwritten signature: Robert P. P. P.*  
Solicitors for Complainant.

*Handwritten marks: "12/1"*



THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT

TO Miss. *William* Crosby.

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 Elizabeth Faircloth Smith and Mrs. W. T. Faircloth

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

Complainant  
and Leroy. Smith.

Defendant,

on oath to be by you administered, upon \_\_\_\_\_

to take and certify the deposition of the witness ES and return the same to our Court, with all convenient speed, under your hand.

Witness 16th day of December ., 1941.

*RS Duck*

REGISTER

Commissioner's Fee \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_



ELIZABETH FAIRCLOTH SMITH  
Complainant,  
-vs-  
LEROY SMITH  
Respondent.

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

Comes the Respondent, LEROY SMITH, and denies the allegations of the Complaint and each and every count thereof filed in the above styled cause, and demands strict proof thereof. The Respondent waives services, taking of testimony, and notice of submission of said cause.

*Leroy Smith*

No. 783

The State of Alabama,  
Baldwin County.

Circuit Court, In Equity.

*Charles J. Smith*  
vs.  
*Henry Smith*

CHANCERY EXECUTION  
Fl. Fa.

\$ 5195-

Total ..... \$

Fee Book ..... Page

Execution Docket ..... Page

*Hubert Hoover*  
Complainant's Solicitor

Received in Sheriff's Office  
this 17 day of Feb, 1942  
W. R. STUART, Sheriff

Received in Sheriff's Office  
this 17 day of Feb, 1942  
W. R. STUART, Sheriff

The State of Alabama,  
Baldwin County.

ha..... duly waived..... right  
to the exemption of personal property as to  
the collection of the debt for which this exe-  
cution is issued.

Register.

Received in office this.....

day of..... 1942

Sheriff

Execution Docket..... Page.....

Returned this 16th day of March  
1942 no property of the plaintiff  
found in Baldwin County

BY ~~W. R. Stuart Sheriff~~  
~~Deputy Sheriff~~

Printed by Baldwin Times, Bay Minette, Ala.

The State of Alabama, }  
Baldwin County.

By virtue of the within execution I have levied

Series of horizontal lines for recording levied property.

7887

(Page Two)

the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that your Complaint be granted a divorce from the said Respondent; and that your Complaint be given the right to remain. Should your Complaint be mistaken in the relief prayed for that there be granted to her such other, different and general relief to which she may be entitled, and as in duty bound she will ever

Very truly,  
 Yours,  
 [Handwritten signature]

~~[Handwritten signature]~~  
 Solicitors for Complainant.

**RECORDED**

NO. 7 83.

**RECORDED**

**THE STATE OF ALABAMA**

**Baldwin County**

**CIRCUIT COURT**

**Elizabeth, Faircloth, Smith**

**Complainant**

**VS.**

**Teroy Smith.**

**Defendant**

**Commission To Take Deposition**

**COMMISSIONER:**

**Witnesses:**

758

**RECORDED**

Filed Dec 15 1941  
Post Office  
Spring

THE STATE OF ALABAMA }  
Baldwin County }

Circuit Court of Baldwin County, Alabama.  
(In Equity)

ELIZABETH FAIRCLOTH SMITH COMPLAINANT

vs.

LEROY SMITH RESPONDENT

I, Miriam Crosby

as ~~Register and~~ Commissioner

have called and caused to come before me Elizabeth Faircloth Smith  
and Mrs. W. T. Faircloth

witness es named in the requirement for Oral Examination, on the 19th day of December  
1941, at the office of Hybart, Chason and Chason

in Foley, Alabama, and having first sworn said witness es to speak the

truth, the whole truth, and nothing but the truth, the said Elizabeth Faircloth Smith

and Mrs. W. T. Faircloth doth depose and say as follows:

My name is Elizabeth Faircloth Smith and I am the Complainant in a suit for divorce filed by me against Leroy Smith, my husband. I was born in Monroe County, Alabama, November 1, 1923, and I was married to Leroy Smith in Crystal Springs, Mississippi on December 9, 1939 and we lived together as man and wife until September 8, 1940.

On several occasions before our separation my husband cursed me and struck me and on September 7, 1940, the night before our separation he beat me with his fist and threatened to kill me so that it was impossible for me to live with him any more. We were living with my Mother and Father at their home in Waynesborough, Mississippi, at this time and I left immediately, going to the home of my Aunt in Fairford, Alabama. My Mother and Father moved to Summerdale, Alabama in February, 1941 and I have been living with them there since that time.

At some time after our separation my husband joined the Army and his last known address was Company F, 155th Infantry, 31st Division, Fort Jackson, S. C. He is over the age of Twenty-one years.

Elizabeth Faircloth Smith

I, Miriam Crosby as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness<sup>es</sup> and read over to them and they signed the same in the presence of myself and C. G. Chason

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness<sup>es</sup> or had proof made before me of the identity of said witness<sup>es</sup>; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 19th day of December 1941

Miriam Crosby (L. S.)

~~My name is Elizabeth Faircloth Smith and I am the Complainant in a suit for divorce filed by me against Leroy Smith, my husband. I was born in Monroe County, Alabama, November 1, 1923 and I was married to Leroy Smith in Crystal Springs, Mississippi on December 9, 1939 and we lived together as man and wife until September 8, 1940. On several occasions before our separation my husband cursed me and struck me and on September 7, 1940, the night before our separation he beat me with his fist and threatened to kill me so that it was impossible for me to live with him any more. We were living~~

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA,**  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ELIZABETH FAIRCLOTH SMITH  
COMPLAINANT

vs.

LEROY SMITH  
RESPONDENT

**ORAL DEPOSITION**

Filed Dec 22, 1941

C. G. Chason, Register.

RECORDED IN \_\_\_\_\_ Record \_\_\_\_\_

Vol. \_\_\_\_\_ Page \_\_\_\_\_

\_\_\_\_\_, Register



My name is Mrs. W. T. Faircloth and I am the Mother of Elizabeth Faircloth Smith. She was born in Monroe County, Alabama on November 1st, 1923 and was married to Leroy Smith on December 9, 1939 and they lived with my husband and I in our home at Waynesborough, Mississippi from April 1940 to September 8, 1940 on which date they separated.

On several occasions before April 8, 1940 I heard him curse her and have seen bruises on her person which were caused by him striking her. On the night of September 7, 1940 he beat her so bad and threatened her so that we could not allow him to live with her any more. They both left our house on September 8, 1940. My daughter going to live with her aunt in Fairford, Alabama. She stayed with her aunt until we moved to Summerdale in Baldwin County, Alabama at which time she came to be with us.

Mrs Wt Faircloth.

Elizabeth Faircloth Smith,

*Complainant*  
vs.

Leroy Smith,

*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, \_\_\_\_\_  
Request for Decree in Vacation, Commission to take Deposition,  
Return of Commissioner, and Testimony of Elizabeth Faircloth  
Smith and Mrs. W. F. Faircloth,

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

*[Signature]*  
Solicitors for Complainant ~~xxxxx~~

No. \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

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

Elizabeth Faircloth Smith,

vs.

Leroy Smith,

**NOTE OF TESTIMONY**

Filed in Open Court this 20

day of Dec 1934

  
REGISTER

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,  
Baldwin County.

} NO. \_\_\_\_\_ TERM, 194 \_\_\_\_\_

Elizabeth Faircloth Smith  
Complainant—

VS.

Leroy Smith  
Respondent—

TO R. S. DUCK, REGISTER:

In the above stated cause an Answer  
having been filed by \_\_\_\_\_ the Respondent—,  
and evidence having been taken, and the cause being ready for submission for final decree, and  
no defense having been interposed, the complainant—, by her  
Solicitor<sup>s</sup> 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.

W. J. Mason & P. A. Pasa  
Solicitor<sup>s</sup> for Complainant—

**RECORDED**

NO. \_\_\_\_\_

Elizabeth Faircloth Smith,  
Complainant—

VS.

Leroy Smith,

Respondent—

**Request For Decree In Vacation**

Filed

Dec 20, 1941

*[Handwritten Signature]*

Register.

Elizabeth Faircloth Smith,

*Complainant*  
vs.

Leroy Smith,

*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, \_\_\_\_\_  
Request for Decree in Vacation, Commission to take Deposition,  
Return of Commissioner, and Testimony of Elizabeth Faircloth  
Smith and Mrs. W. F. Faircloth,

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

*Robert Thomas & Jesse*  
Solicitors for Complainant ~~xxxxx~~

No. \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

Elizabeth Faircloth Smith,

vs.

Leroy Smith,

**NOTE OF TESTIMONY**

Filed in Open Court this 20

day of Dec 1934

  
REGISTER