

GLADYS SWANN

Complainant

VS.

EARL SWANN

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, _____

and the Testimony of Gladys Swann and Carrie Davis

and in behalf of Defendant upon _____

Register

Register.

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,
Baldwin County.

} NO. 815

TERM, 194 2

GLADYS SWANN

Complainant

VS.

EARL SWANN

Respondent

TO R. S. DUCK, REGISTER:

In the above stated cause a ANSWER AND WAIVER

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 Solicitor 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.

Lloyd A. Payne
Solicitor for Complainant

815

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

GLADYS SWANN Complainant
VS
EARL SWANN Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on ANSWER AND WAIVER 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 GLADYS SWANN is forever divorced from the said

EARL SWANN 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 GLADYS SWANN AND EARL SWANN be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 2nd day of May 1912. J. W. J. [Signature] Judge Circuit Court, in Equity.

I, R. S. Duck, 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 [blank] day of [blank], 1912

R. S. Duck Register of Circuit Court, in Equity.

No. Page

The State Of Alabama
Baldwin County

In Circuit Court, In Equity

vs. Complainant.

Respondent.

DIVORCE DECREEE

It is further ordered that the complainant shall pay to the respondent the sum of \$100.00 within thirty days of the date of this decree. If the complainant fails to pay the same, the respondent shall be entitled to a writ of attachment against the complainant's property. It is further ordered that the complainant shall pay to the respondent the sum of \$50.00 per month for the maintenance of the respondent and her children. If the complainant fails to pay the same, the respondent shall be entitled to a writ of attachment against the complainant's property. It is further ordered that the complainant shall pay to the respondent the sum of \$100.00 per month for the maintenance of the respondent and her children. If the complainant fails to pay the same, the respondent shall be entitled to a writ of attachment against the complainant's property. It is further ordered that the complainant shall pay to the respondent the sum of \$100.00 per month for the maintenance of the respondent and her children. If the complainant fails to pay the same, the respondent shall be entitled to a writ of attachment against the complainant's property.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO IRMA SWANSTROM

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 Gladys Swann and Carrie Davis

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

GLADYS SWANN

Complainant

and EARL SWANN

Defendant,

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

Witness 22nd day of April, 1942.

[Handwritten Signature]

REGISTER

Commissioner's Fee \$ 5.00

Witness' Fees, \$

RECORDED

GLADYS SWANN

Complainant,

vs

EARL SWANN

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DEPOSITION

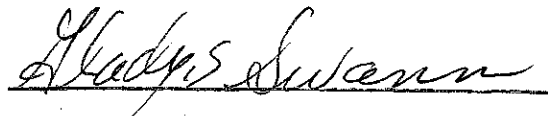
TESTIMONY OF GLADYS SWANN

I am the Plaintiff in the above entitled action and I was married to the Respondent, Earl Swann, on June 8, 1927, at Bay Minette, and lived with him as his wife until the 10th day of March, 1941, when we separated and have not lived together since.

The reason I left him was that I could no longer endure his cruel and abusive treatment. He is a man of a violent and un-governable temper and for several years before our separation had been more and more abusive and on several occasions I left him but always went back to try it again but matters seemed to go from bad to worse.

He has struck me on numerous occasions and put me out of the house and locked me out at night and on many other occasions threatened me with physical violence and just before our final separation threatened to kill me with a revolver which he had and it had got to the point where I was actually in fear of my life, my health was suffering and I felt obliged to leave him and bring this suit for divorce.

I have supported myself for some time and am able to do so and want nothing from him except a divorce.



DEPOSITION OF CARRIE DAVIS

My name is Carrie Davis, I am the wife of John R. Davis and the sister of Gladys Swann, the Plaintiff in this divorce action. I live in Foley, Alabama, and I am the owner of the Davis Five and

Ten cent Store and my sister has been working for me in this store for some time and is so employed now.

I have known her husband, the Respondent, Earl Swann, ever since they were married and have had many occasions to observe his treatment of her.

He has a violent temper and apparently makes no effort to control it and will fly into rages at his wife and strike and beat her, threaten to kill her, put her out of the house at night and lock the door, in fact treat her with the utmost cruelty whenever he becomes angry.

I have had to take her into my home several times when he put her out and on one occasion Mr. Davis and I had to go to Birmingham and get her and bring her home.

His treatment of her seems to have been worse all the time and a little over a year ago when he threatened to shoot her she left him and they have not lived together since.

I know that his treatment of her affected her health and I am sure there is no possibility of their ever again becoming reconciled and going back together.

Mrs. Carrie Davis.

CERTIFICATE

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, Irma Swanstrom, by virtue of the attached commission, the commissioner to take the testimony of Gladys Swann and Carrie Davis, do hereby certify that I called the said Gladys Swann and Carrie Davis before me in my office in Foley, Alabama, on the 25th day of April, 1942, and after said witnesses were duly sworn to tell the truth, the whole truth and nothing but the truth, their testimony was by me taken down in shorthand, later transcribed on the typewriter, read over and signed by said witnesses in my presence.

I have personal knowledge of the identity of said witnesses and am not of counsel or of kin to any of the parties to said cause or in any way interested in the result thereof.

IN WITNESS WHEREOF: I have hereunto set my hand this 27th day of April, 1942.



Commissioner

GLADYS SWANN

Complainant,

vs.

EARL SWANN

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

BILL OF COMPLAINT

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BAL-
WIN COUNTY, ALABAMA, IN CHANCERY SITTING:

PART ONE

Your Complainant respectfully shows that she is over the age of 21 years and a bona fide resident of Baldwin County, Alabama, residing at Foley, therein and that the Respondent, Earl Swann is also over the age of 21 years and a resident of the State of Alabama, residing at Birmingham therein.

PART TWO

1. Your Complainant further avers that she was lawfully married to the Respondent on the 8th day of June, 1927 at Bay Minette, Alabama, and that ever since said marriage she has conducted herself towards the Respondent as a faithful wife.

2. That ever since said marriage the Respondent has been guilty of extreme cruelty towards your Complainant, has been guilty of actual physical violence to her to such an extent that her health has been endangered and she is unable to longer live with the Respondent and, on the 10th day of March, 1941, separated from him and since that date the parties have lived separate and apart and Complainant avers that because of such cruel treatment on the part of the Respondent her married life has been rendered intolerable to her and she desires a divorce from the Respondent.

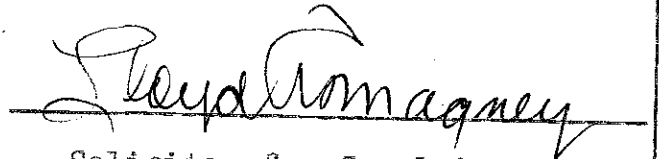
PRAYER FOR PROCESS

WHEREFORE, Your Complainant prays that Your Honor will grant to her the writ of summons of the State of Alabama commanding the Respondent, Earl Swann, to appear before this Honorable Court and demur, answer or plead to this Bill of Complaint within

the time allowed by law and to abide such order and decree as to this Honorable Court shall seem meet; and your Complainant shall ever pray, &c.

PRAYER FOR RELIEF

Your Complainant further prays that upon final hearing of this cause Your Honor will grant to her a decree of divorce from the Respondent and that she may have such other, further and different relief in the premises as may be just and equitable.


Solicitor for Complainant

GLADYS SWANN

Complainant,)

vs.

EARL SWANN

Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

VOLUNTARY APPEARANCE AND
WAIVER OF SUMMONS

Comes now Earl Swann the above named Respondent and enters his voluntary appearance in the above entitled cause and expressly waives the issuance and service of summons and consents that this cause may be submitted, in vacation, without further notice to him.

Dated this 18 day of April, 1942.

Earl Swann

GLADYS SWANN

Complainant,

vs.

EARL SWANN

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

ANSWER

Comes now Earl Swann, the above named Respondent, and for answer to the Bill of Complaint herein says:

He admits the allegations of Part One of the Bill of Complaint and of paragraph one of Part Two of the Bill of Complaint and denies the allegations of paragraph 2 and 3 of Part Two of said Bill of Complaint.

Respondent avers and shows to the Court that he is not in the military service of the United States.

WHEREFORE, having fully answered, Respondent prays that he may be dismissed with his reasonable costs and charges.

Earl Swann

RECORDED

NO. 815

GLADYS SWANN

Complainant—

VS.

EARL SWANN

Respondent—

Request For Decree In Vacation

Filed April, 29th, 1942

R. S. Duck

Register.

RECORDED

No. 815

The State of Alabama,
BALDWIN COUNTY

IN EQUITY
CIRCUIT COURT OF BALDWIN COUNTY

GLADYS SWANN

Complainant

VS.

EARL SWANN

Respondent

NOTE OF TESTIMONY

Filed in Open Court this 29th
day of April 1942

R. S. Duck

Register.

Moore Printing Co.

813

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

RECORDED

GLADYS SWANN

Complainant,

vs.

EARL SWANN

Respondent.

ANSWER

Filed April 25 1942
Robert
Payton

Lloyd A. Magney
Foley, Alabama

816-

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

RECORDED

GLADYS SWANN

Complainant,

vs.

EARL SWANN

Respondent

VOLUNTARY APPEARANCE AND
WAIVER OF SUMMONS

*Filed June 22 1943
L. A. Magney
Reporter*

Lloyd A. Magney
Foley, Alabama