

825

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

A. E. SHENK

Complainant

VS

MAUD SHENK

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Answer & 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 A. E. SHENK is forever divorced from the said

MAUD SHENK

for and on account of Desertion

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 A. E. SHENK and MAUD SHENK be, and are hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 22nd day of May 1942

[Signature] 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

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vs. Complainant.
.....

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Respondent.
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DIVORCE DECREE

The State Of Alabama, Baldwin County

CIRCUIT COURT IN EQUITY

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THE STATE OF ALABAMA }
Baldwin County }

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

A. E. SHENK

COMPLAINANT

vs.

MAUD SHENK

RESPONDENT

I, Colen McGaha

as Register and Commissioner

have called and caused to come before me A. E. Shenk and Amos Garrett

witnesses named in the requirement for Oral Examination, on the 19th day of May

1942, at the office of Orvis M. Brown.

in Robertsdale, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said A. E. Shenk and Amos Garrett

doth depose and say as follows:

TESTIMONY OF A. E. SHENK.

My name is A. E. Shenk, I am the complainant in the above styled case. Maud Shenk, the respondent is my wife, we are both over the age of twenty-one years and residents of Baldwin County, Alabama, and have been in excess of the last ten years next immediately preceding the filing of this Bill of Complaint.

We were married at Jackson Michigan, on the 15th day of January, 1910 and lived to-gether until the 15th day of June 1939 at which time the respondent voluntarily left me without any cause or fault whatsoever on my part. We have not lived to-gether as man and wife since the time that we were seperated, this abandonment has not been condoned by the Complainant and will not be donedoned by me.

A E Shenk

TESTIMONEY OF AMOS GARRETT:

My name is Amos Garrett, I am a resident of Baldwin County, Alabama and have been for the past fifteen years, I am personally acquainted with both the Complainant A. E. Shenk and the Respondent Maud Shenk, I haave known them for a number of years. I know of my own personal knowledge that they are both over the age of twenty one years and residents of Baldwin County, Alabama, and have been in excess of the past ten years, next immediately preceding the filing of this Divorce procedure. I know that they lived here as husband and wife until on or about June 15th, 1939 at which time they were seperated, and they have not lived to-gether since that date. I do not believe that it was any fault of the complainants, as he has always spoke well of his wife and has been willing to try to make their home over agains but without any success.

Amos Garrett

THE STATE OF ALABAMA,
Baldwin County

}

CIRCUIT COURT

TO Colen McGaha,

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 A.E. Shenk and Amos Garrett

as witnesses in behalf of A. E. Shenk in a cause pending in our Circuit Court of Baldwin County, of said State, wherein A.E. Shenk, is

Complainant
and Maud Shenk is,

Defendant,

on oath to be by you administered, upon them

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

Witness this 19th day of May, 19 42.

R. S. Dyer
REGISTER

Commissioner's Fee \$ None

Witness' Fees, \$ None

ANSWER AND WAIVER.

A. E. SHENK,
COMPLAINANT,

-VS-

MAUD SHENK,
Respondent

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

Comes MAUD SHENK , Respondent in the above styled cause and for answer to the Bill of Complaint says that she admits paragraph One thereof, she admits paragraph Two thereof, and she denies paragraph Three thereof and demands strict proof thereof and she further says:

Respondent hereby waives service and notice of and demand for oral examination of the Complainant's witnesses, of the issue of commission to take testimony, notice of the time and place of the taking of testimony and of the right to cross examine or introduce evidence in her own behalf; and she further consents that this cause may be submitted for final decree at any time on the pleadings of the Complainant's evidence as noted by the Register.

The Respondent hereby requests of this Honorable Court that she be given the right to marry again if she so desires upon the issuance of the final decree.

Maud Shenk,

RESPONDENT.

WITNESSES:

[Signature]

Joyce G. Brown

BILL OF COMPLAINT.

A. E. SHENK,
Complainant,
-vs-
MAUD SHENK,
Respondent.

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

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes your Complainant A. E. SHENK and presents this his Bill of Complaint against MAUD SHENK, and shows unto your Honor as follows;

FIRST: Your Complainant and the Respondent, Maud Shenk, are both over the age of twenty one years and your Complainant and the Respondent are bona-fide residents of the State of Alabama and the County of Baldwin at the time of the seperation and have been for a period of two years next prior to the filing of this Bill of Complaint.

SECOND: That your Complainant and the said Maud Shenk were lawfully married at Jackson, Michigan, on the 15th day of January, 1910, and lived together as man and wife until on or about the 15th day of June, 1934.

THIRD: Your Complainant further shows unto your Honor that during the month of June, 1934, namely on June 15th, your Respondent did voluntarily and without any cause or fault on the part of the Complainant desert your Complainant and which offence she has not condoned and he will not condone and that she has not returned to your complainant nor co-habited with him as husband and wife from this 15th day of June, 1934, to the date of the filing of this Bill of Complaint, and said abandonment by the Respondent continuing for more than two years next preceeding the filing of this Bill.

PRAYER FOR PROCESS:

THE PREMISES CONSIDERED, Complainant prays that the said MAUD SHENK, be made a party to the Bill of Complaint, that she be brought into Court by personal service or any method approved and adopted by this Honorable Court directing her to plead, answer or demur to the allegations as set out against her in said Bill of Complaint as filed in this cause, in all respects as required by and under law and rules of this Honorable Court.

PRAYER FOR RELIEF.

And Your Complainant prays that upon the final hearing of this cause that this Honorable Court will grant to him an absolute divorce dissolving forever and entirely the bonds of matrimony now existing between him and the said MAUD SHENK, and the further right to marry again should he so desire, and your Complainant further prays for such other and further relief as in Equity and good conscience she may be entitled to in the premises, for which she will ever pray, etc.

R. E. Shenk 666
COMPLAINANT.
Wm. H. Brown
SOLICITOR FOR COMPLAINANT.

FOOT NOTE:

The Respondent is required to answer but not under oath the same being expressly waived, as to each and every paragraph of the foregoing complaint numbering from one to three both inclusive.

R. E. Shenk
Complainant.
Wm. H. Brown
SOLICITOR FOR COMPLAINANT.

835
Divorce;

RECORDED

BILL OF COMPLAINT:

A. E. SHENK,
Complainant,

vs.

MAUD SHENK,
Respondent,

Filed May 21, 1943
Pro Se

Orvis M. Brown, Attorney
for Complainant,
Robertsdale, Ala.

Filed May 21 1942
R. L. Smith
Sey

RECORDED

NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

A. E. SHENK

Complainant

VS.

MAUD SHENK

Defendant

Commission To Take Deposition

COMMISSIONER:

COLEN MCGAHA

Witnesses:

A. E. Shenk

Dr. Amos Garrett

I, Coleen McGaha 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 es and read over to them and they signed the same in the presence of myself and ~~A. E. Shenk~~ Orvis M. Brown, Attorney, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; 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 May 1942.

Coleen McGaha (L. S.)

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

A. E. SHENK

COMPLAINANT

vs.

HAUD SHENK

RESPONDENT

ORAL DEPOSITION

Filed Jan 27, 1945

Orvis M. Brown, Register.

RECORDED IN

_____ Record

Vol. _____ Page _____

_____, Register

A. E. Shenk,

VS.

Mau~~R~~ Shenk

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 Testimony of A. E. Shenk and Dr. Amos Garrett,

and in behalf of Defendant upon Answer & Waiver

R. D. [Signature]

Register.

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

A. E. Shenk

VS.

Maud Shenk

NOTE OF TESTIMONY

Filed in Open Court this 21st

day of May 1932

[Handwritten Signature]

REGISTER