

(900)

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

_____ ANNIE DELL BYRD _____ Complainant
 VS
 _____ EMMETT R. BYRD _____ Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree and Confession~~
 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 here-
 tofore existing between the Complainant and Defendant be, and the same are hereby, dissolved,
 and that the said Annie Dell Byrd
 is forever divorced from the said

Emmett R. Byrd

for and on account of Extreme 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 Annie Dell Byrd and Emmett R. Byrd
 be, and ~~they~~ ^{are} hereby permitted to again contract marriage upon the payment of the cost of
 this suit.

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

This 9th day of February, 19 45.

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.

THE STATE OF ALABAMA, }
Baldwin County }

CIRCUIT COURT

TO EDITH HOWELL

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 Annie Dell Byrd and Lilly wiggins

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

Complainant
and EMMET R. BYRD

Defendant,
on oath to be by you administered, upon Oral Interrogatories

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

Witness 1st day of February, 19 43.

REGISTER

Commissioner's Fee \$

Witness' Fees, \$

ANNIE DELL BYRD,
Complainant,

VS.

EMMETT R. BYRD,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY, NO. 900

DEPOSITION

TESTIMONY OF ANNIE DELL BYRD

Annie Dell Byrd, being first duly sworn, on her oath deposes and says:

I am the Complainant in the above entitled action and was married to the Respondent on the 2nd day of April, 1939. I have lived at Foley, Alabama, for a number of years, both before and after and ever since my marriage.

The Respondent has been cruel and abusive ever since we were married. He would never work and we had to live with my parents because he could not make a living and this naturally led to arguments and disputes between us and whenever I would try to talk to him about it, he would become mad, abusive and threatened me and he has slapped me in the face and threatened to kill me and his whole conduct towards me was such that I lived in fear of him and my health was effected by reason thereof.

Because of this treatment I left him last November 15, 1942, and we have not lived together since.

Annie Dell Byrd

TESTIMONY OF LILLY WIGGINS

Lilly Wiggins, being first duly sworn, on her oath deposes and says:

My name is Lilly Wiggins. I live at Foley, Alabama and I am the mother of Annie Dell Byrd who is the Complainant in this action.

I know her husband, Emmett Byrd, and know that he has never supported her or himself either, since they were married.

I had to take them in and they lived with me for over a year and during this time, I had many opportunities to observe his treatment of her.

It was extremely cruel and abusive to say the least. He would become angry and curse and swear and threaten her and while I have never seen him strike her, I know that he has done so. I know also that her health was greatly effected by his treatment of her and that she left him last November 15, 1942, and has not lived with him since.

Lilly Wiggins

CERTIFICATE

I, Edith Howell, by virtue of the attached commission, the commissioner to take the testimony of Annie Dell Byrd and Lilly Wiggins, do hereby certify that I caused said witnesses to come before me in my office in Foley, Alabama, on February 3rd, 1943, and after being first duly sworn, the testimony of said witnesses were taken by me in shorthand, later transcribed on the typewriter, read over and signed by said witnesses.

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

IN WITNESS WHEREOF: I have hereunto set my hand this 3rd day of February, 1943.

Edith Howell

Commissioner

ANNIE DELL BYRD,
Complainant,

vs.

EMMETT R. BYRD,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

ANSWER

Comes now, Emmett R. Byrd, the above named Respondent and for answer to the bill of complaint admits the averments as to the age and place of residence of the parties and that they were lawfully married as averred but denies each and every other allegation of said bill and demands strict proof thereof.

The said Respondent does hereby enter his voluntary appearance in this cause and expressly waives the issuance and service of summons and consents that testimony may be taken by the Complainant at any time without notice to him and that said cause may be submitted for decree at any time without notice to him.

Emmett R. Byrd

Respondent

ANNIE DELL BYRD,
Complainant,

VS.

EMMETT R. BYRD,
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
BALDWIN COUNTY, ALABAMA, IN CHANCERY SITTING:

PART ONE

Your Complainant, Annie Dell Byrd, respectfully shows to the Court that she is over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama, and that the Respondent, Emmett R. Byrd, is also over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama.

PART TWO

Your Complainant further avers that she was lawfully married to the Respondent on the 2nd day of April, 1939, and ever since said marriage has conducted herself towards the Respondent as a faithful and obedient wife but that said Respondent, ever since said marriage, has been guilty of cruel and inhuman treatment towards your Complainant, has threatened her with great bodily harm and has struck and otherwise abused her, so that her health has been impaired and she is afraid to longer live with such Respondent and left his bed and board on account of such cruel treatment on the 15th day of November, 1942, and has not lived with him since and because of such cruel and abusive treatment, she desires a divorce from the Respondent.

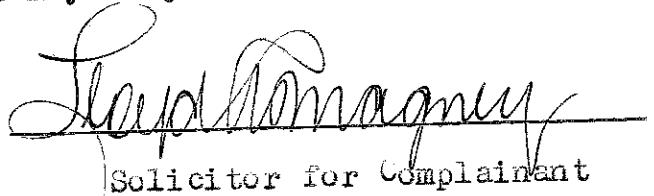
PRAYER FOR PROCESS

WHEREFORE, your Complainant prays that your Honor will grant to her the writ of summons of the State of Alabama, commanding the Respondent, Emmett R. Byrd to appear within this Honorable Court

within the time allowed by law, there to plead, answer or demur to, this bill of complaint and to abide such order and decree as may be entered therein and your Complainant will ever pray & c.

PRAYER FOR RELIEF

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


Solicitor for Complainant

900

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

ANNIE DELL BYRD,

Complainant,

vs.

EMMETT R. BYRD,

Respondent.

ANSWER

Filed July 15 1943
[Signature]

LLOYD A. MAGNEY,
Attorney
Foley, Alabama.

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

ANNIE DELL BYRD

Complainant

VS.

EMMETT R. BYRD

Defendant

Commission To Take Deposition

COMMISSIONER:

LLOYD A. MAGNEY

Witnesses:

Annie Dell Byrd.

VS.

Emmett R Byrd.

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, _____

~~Answer and Waiver.~~ ~~And Testimony.~~ of Annie Delle Byrd
and Lilly Wiggins.

and in behalf of Defendant upon _____

Proctor Register.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 900. Feb. Term, 194 3

Annie Dell Byrd, Complainant

Vs.

Ermet R Byrd, 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 Lloyd A Magney.

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.

Lloyd A Magney.
Solicitor for Complainant.

RECORDED

No. 9 00 Page _____

The State of Alabama,

Baldwin County

CIRCUIT COURT, IN EQUITY

Annie Dell Byrd.

Vs.

Emmett R Byrd.

**REQUEST FOR DECREE IN
VACATION**

Filed Feb 8th, 1943

[Handwritten Signature]

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

900.
No. _____

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Annie Dell Byrd.

VS.

Emmett R Byrd,

NOTE OF TESTIMONY

Filed in Open Court this _____ 8th _____

day of _____ Feb. _____ 1943 _____

R. S. [Signature]

Register.