

2383

STATE OF ALABAMA, |  
BALDWIN COUNTY. |

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon CLAUDE BRYARS to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said County at the place of holding same, then and there to answer the complaint of EDITH LAVERN BRYARS.

WITNESS my hand this 1st day of Nov, 1949.

David - Duck  
Register of the Circuit Court,  
Equity Side.

\* \* \* \* \*

EDITH LAVERN BRYARS,  
Complainant,  
VS.  
CLAUDE BRYARS,  
Respondent.

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

COMPLAINT

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, EQUITY SIDE:

Your Complainant, Edith LaVern Bryars, presents this Bill of Complaint against Claude Bryars, and respectfully represents and shows unto the Court and your Honor as follows:

1. Your Complainant, Edith LaVern Bryars, is over twenty-one years of age, and is a resident of Mobile County, Alabama and her address being 404 Elizabeth Street, Prichard, Alabama. She has been a bona fide resident of the State of Alabama for more than one year next preceding the filing of this Bill of Complaint.

2. The Respondent, Claude Bryars, is over twenty-one years of age and is a resident of Baldwin County, Alabama.

3. Your Complainant and the Respondent were lawfully married on or about December 24, 1947, in Baldwin County, Alabama.

4. Complainant further avers that the Respondent voluntarily abandoned the bed and board of this Complainant for more than one year next preceding the filing of this Bill of Complaint, and that since that time the Complainant and the Respondent have not lived together and have not in any way recognized each other as husband and wife.

5. That there was born to the Complainant and the Respondent a daughter, Mitzie Elmina Bryars, who is now about nine (9) months old. Your Complainant desires the custody and control of the said child, and the Complainant is a proper and fit person to have the custody and control of the said child.


PRAYER FOR PROCESS:

Complainant prays that this Court will make Claude Bryars, a party Respondent in this cause by the usual process of the Court, and that he will be required to plead, answer, or demur to the Bill of Complaint within the time and under the penalties and pains prescribed by law.

PRAYER FOR RELIEF:

Complainant prays that on a final hearing of this cause that the bonds of matrimony now existing by the Complainant and the Respondent be dissolved, and that she be divorced from him and that the Complainant will be granted the permanent custody and control of the said minor child .

Complainant prays for such other further and general relief that she may be equitable entitled to the premises considered.

  
Solicitor for Complainant.

EDITH LAVERN BRYARS,  
Complainant,

VS.

CLAUDE BRYARS,  
Respondent.

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

MOTION FOR DECREE PRO CONFESSO.

Motion is hereby made for a Decree Pro Confesso against the Respondent, Claude Bryars, on the ground that the Bill of Complaint was filed in this cause on November 1, 1949, and that on November 1, 1949, a Summons was issued out of this court directed to Claude Bryars, the Respondent, ordering him to appear and plead answer or demur within thirty days from the service thereof to the Bill of Complaint in this cause, and that a copy of the said Summons and Bill of Complaint was duly served upon the said Claude Bryars by the proper officer on the 3rd day of November, 1949, and that the said Claude Bryars has to the date hereof failed to plead, answer or demur to the said Bill of Complaint.

WHEREUPON, the Complainant moves the Register of the Circuit Court of Baldwin County, Alabama, Equity Side, that a Decree Pro Confesso be entered against the said Claude Bryars.

Dated this 13<sup>th</sup> day of December, 1949.

*J. B. Blackburn*  
by *James P. McMurphy*  
Solicitor for Complainant.

EDITH LAVERN BRYARS,  
Complainant,  
VS.  
CLAUDE BRYARS,  
Respondent.

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

DECREE PRO CONFESSO.

In this cause it being made to appear to the Register that the Bill of Complaint was filed in this cause on November 1, 1949, and that on November 1, 1949, a Summons was issued out of this court directed to Claude Bryars, the Respondent, ordering him to appear and plead, answer or demur within thirty days from the service thereof to the Bill of Complaint in this cause, and that a copy of the said Summons and Bill of Complaint was duly served upon the said Claude Bryars by the proper officer on the 3rd day of November, 1949, and that the said Claude Bryars has to the date hereof failed to plead, answer or demur to the said Bill of Complaint.

THEREUPON, it is therefore ordered, adjudged and decreed by the Register that the Bill of Complaint be and it hereby is taken as confessed in all things against the said Respondent, Claude Bryars.

Ordered, Adjudged and Decreed this 13<sup>th</sup> day of December, 1949.

*Eric J. Leuck*

Register.

EDITH LAVERN BRYARS,  
Complainant,

VS.

CLAUDE BRYARS,  
Respondent.

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

NOTE OF TESTIMONY.

This cause is submitted on behalf of the Complainant upon the following:

1. Bill of Complaint.
2. Motion for Decree Pro Confesso.
3. Decree Pro Confesso.
4. Testimony of Edith LaVern Bryars and Adele Stewart taken in open court.

Dated this 27<sup>th</sup> day of December, 1949.

James P. McMurphy  
Solicitor for Complainant.

Reece J. Reese  
Register.

EDITH LA VERN BRYARS,  
Complainant,  
VS.  
CLAUDE BRYARS,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2383.

TESTIMONY TAKEN IN OPEN COURT  
ON DECEMBER 27, 1949

Edith LaVern Bryars, the Complainant, after being first duly and legally sworn, testified as follows:

ON EXAMINATION

By Mr. James D. McMurphy

Q. Are you Mrs. Edith LaVern Bryars, the Complainant in this suit?

A. I am.

Q. Are you over twenty-one years of age and a resident of Mobile County, Alabama?

A. I am not over twenty-one but I am a resident of Mobile County.

Q. Have you been a bona fide resident of the State of Alabama for more than one year next preceding the filing of this bill of complaint?

A. I have.

Q. How old are you now?

A. Eighteen.

Q. When were you eighteen?

A. Last May.

Q. Is Claude Bryars, the respondent, over twenty-one years of age?

A. He is.

Q. Is he a resident of Baldwin County, Alabama?

A. He is.

Q. Were you and the respondent lawfully married on or about December 24, 1947?

A. We were.

Q. Has the respondent for more than one year next preceding the filing of this bill of complaint, which was on November 1, 1949, voluntarily abandoned your bed and board?

A. He did.

Q. And since that time have you and the respondent not lived together and not in any way recognized each other as husband and wife?

A. No sir.

Q. Was there born to the marriage a daughter, Mitzie Elmina Bryars, who is now about one year of age?

A. Yes.

Q. Do you desire the custody and control of this child?

A. I do.

Q. Do you state that you are a proper and fit person to have the custody and control of the child?

A. I do.

Q. Do you state that it would be to the best interest of the child to be in your custody and control?

A. Yes.

Mrs. Adele Stewart, having been first duly and legally sworn, testified as follows:

ON EXAMINATION

By Mr. James D. McMurphy

Q. Are you Mrs. Adele Stewart?

A. I am.

Q. Are you a sister of Mrs. Bryars?

A. I am.

Q. Has the respondent in this cause, Claude Bryars, voluntarily abandoned the bed and board of Mrs. Bryars for more than one year next preceding the filing of this bill of complaint which was on November 1, 1949?

A. He did.

Q. And since that time have the complainant and the respondent not lived together and not in any way recognized each other as man and wife?

A. They have not.

Q. Was there born to this marriage a daughter, Mitzie Elmina Bryars, who is now about one year old?

A. Yes sir.

Q. Would you state that Mrs. Bryars is a fit and proper person to have the custody and control of this child?

A. I will.

Q. Would you state that it would be to the best interest of this child to be in the custody and control of Mrs. Bryars?

A. Yes sir.

Transcribed and filed this 27th day of December, 1949.

Original furnished Mrs. Alice J. Duck, Register.....	\$ .50
Copy Messrs. Blackburn & McMurphy, Attorneys.....	.25
Total	<u>\$ .75</u>

Oral S. Nelson  
Reporter



TESTIMONY

EDITH LAVERN BRYARS,  
Complainant,

Vs.

CLAUDE BRYARS,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2383.

Filed this 27th day of December,  
1949.

*Alvin French*  
Register

## The State of Alabama, Baldwin County

## Circuit Court, In Equity

EDITH LAVERN BRYARS, \_\_\_\_\_, Complainant

vs.

CLAUDE BRYARS \_\_\_\_\_, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on personal service 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 Edith LaVern Bryars is forever divorced from the said Claude Bryars for and on account of the voluntary abandonment by the Respondent from the bed and board of the Complainant for more than one year next preceding the filing of the Bill of Complaint.

It is further ordered, adjudged, and decreed that the said Complainant, Edith LaVern Bryars, shall have the custody and control of the minor child, of the marriage, Mitzie Elmina Bryars.

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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 29th day of December, 19 49

J. Fair J. Marshall  
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.

2303

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

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

Complainant  
vs.

Respondent

**DIVORCE DECREE**

*Filed  
12-29-49  
Davis & Wrench  
Clerk*