

2634

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

Circuit Court, In Equity

Arbell Stewart

vs.

Complainant

Sibley Stewart

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree 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

Arbell Stewart

is forever divorced from the

said Sibley Stewart

Cruelty.

for and on account of

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, BY THE COURT, that the

Complainant be and she is hereby awarded the care, custody and control

of the minor children, Tommy Stewart and Martin Stewart.

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 Arbell Stewart

the Complainant

pay the cost herein to be taxed, for which execution may issue.

This 7th day of May, 1951.

J. J. Madibury Jr.  
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.

M,

No. 2634 Page \_\_\_\_\_

The State of Alabama  
BALDWIN COUNTY

In Circuit Court, In Equity

Arbell Stewart

Complainant

vs.

Sibley Stewart

Respondent

**DIVORCE DECREE**

**FILED**

MAY 7 1951

AUGUST A. DUCK, Registrar

**THE STATE OF ALABAMA**  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

Arbell Stewart

Complainant

VS.

Sibley Stewart

Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Arbell Stewart and James Bryars

witnesses named in the Requirement for Oral Examination, on the 21 day of April 1945, at the office of Hubert M. Hall in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Arbell Stewart and James Bryars doth depose and say as follows:

My name is Arbell Stewart. I am over twenty-one years of age and a bona fide resident of Baldwin County, Alabama. I have lived in Baldwin County all of my life.

The Respondent, Sibley Stewart, is over twenty-one years of age, a bona fide resident of Baldwin County, Alabama, and has been all his life.

The Respondent and I married at Perdido, in Baldwin County, Alabama, in February 1937. We lived together as husband and wife in Baldwin County, Alabama, until March 17, 1951.

The Respondent, on March 17, 1951, and on various occasions prior thereto threatened and abused me and committed actual violence to my person by striking me with his fist. The conduct of the Respondent was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with him he would carry out his threats and do further violence to my person which would necessarily endanger my life and health.

The conduct of the Respondent was such as to render it absolutely impossible for me to live with him.

The Respondent and I have two children ages 13 and 8 respectively, Tommy Stewart and Martin Stewart. The Respondent and I have agreed that I am the suitable person and that the children should live with and make their home with me.

The Respondent and I have made repeated efforts to live together and make a go of it but have found that it is absolutely impossible.

Arbell Stewart

James Bryars, a witness for the complainant being first duly sworn, deposes and says:

My name is James Bryars. I live at Perdido, Alabama. I know and have known all of my life the Complainant and the Respondent in this cause. I live in the same community with them. I know that the Complainant and the Respondent have for some time been scrapping. It is generally known in the community. From all I have seen and heard it is my opinion that the Complainant and the Respondent cannot live together as husband and wife. They have two children and I know that the Complainant is a suitable person to have their custody.

James Bryars

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and Hubert M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom 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 21 day of April, 194 51.

Evelyn Watts (L. S.)

NO. 2634 PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Arbell Stewart

vs. Complainant

Sibley Stewart

Respondent.

Oral Deposition

Filed \_\_\_\_\_, 194

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

Recorded in  
MAY 2 1951  
\_\_\_\_\_, Record

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

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

FILED  
MAY 2 1951  
ALICE I. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: Evelyn Watts

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 Arbell Stewart and James Bryars

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

Arbell Stewart

Complainant  
and Sibley Stewart

Respondent  
on oath, to be by you administered, upon Evelyn Watts

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

Witness 21<sup>st</sup> day of April, 1945

Archie J. Venable  
Register.

Commissioner's Fee, \$

Witness' Fees, \$

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

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

Arbell Stewart

Complainant

**VS.**

Sibley Stewart

Defendant

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER:

WITNESSES:

Arbell Stewart

vs.

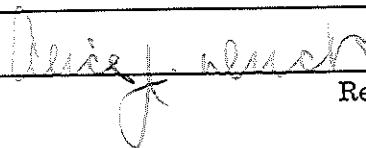

Sibley Stewart

THE STATE OF ALABAMA  
Baldwin CountyIN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,

Answer and waiver and testimony of Arbell Stewart and James Bryars

and in behalf of Defendant upon



Register.



No. ....

**THE STATE OF ALABAMA**  
**Baldwin County**

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

Arvell Stewart

vs.

Sibley Stewart

**NOTE OF TESTIMONY**

Filed in Open Court this .....

day of ....., 194.....

**FILED**

**MAY**

**2**

**1951 Register.**

Printed by The Baldwin Times

**ALICE E. DUCK, Register**

W

ARBELL STEWART

COMPLAINANT

VS

SIBLEY STEWART

RESPONDENT

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

Now comes the Respondent and accepts service of the summons and complaint in this cause.

The Respondent admits the allegations as to ages, residences and marriage, but denies all other allegations contained in the bill of complaint, and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

Sibley Stewart

STATE OF ALABAMA  
BALDWIN COUNTY,

I, S. L. Luce, a Notary Public, in and for said County, in said State, hereby certify that Sibley Stewart, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.  
Given under my hand and seal on this the 27 day of April, 1951.

S. L. Luce  
Notary Public, Baldwin County, Ala.

RECORDED  
7202634

ARBELL STEWART

COMPLAINANT

VS

SIDLEY STEWART

RESPONDENT

ANSWER AND WAIVER

FILED  
MAY 2 1951  
ALICE J. DUCK, Register

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are commanded to summons SIBLEY STEWART, to appear and plead, answer or demur within thirty days from the service hereof, to the bill of complaint, filed in the Circuit Court of Baldwin County, Alabama, in Equity, by ARBELL STEWART as Complainant and against Sibley Stewart as Respondent.

WITNESS my hand this the \_\_\_\_\_ day of April, 1951.

Register

ARBELL STEWART

COMPLAINANT

VS

SIBLEY STEWART

RESPONDENT

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

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

Your Complainant, Arbell Stewart, respectfully represents unto  
your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both over twenty-one  
years of age and bona fide residents of Baldwin County, Alabama.

2.

That your Complainant and the Respondent married at Perdido, Ala-  
bama, in February 1937, and lived together as husband and wife in Baldwin  
County, Alabama, until March 17, 1951.

3.

That on March 17, 1951, and on several occasions prior thereto, the  
Respondent threatened and abused the Complainant by striking her with his  
fist and threatened to further violence to her person which would nec-  
essarily endanger her life and health. The conduct of the Respondent  
was such as to give the Complainant every reasonable apprehension to  
believe and she did actually believe that if she continued to live with  
him he would carry out his threats and do actual violence to her person  
which would necessarily endanger her life and health.

That there was born to the marriage between your Complainant and the Respondent two children, Tommy Stewart age 13 and Martin Stewart Age 8; that the Complainant is the suitable, fit and proper person to have the care, custody and control of the said children.

WHEREFORE, the premises considered, the Complainant prays that your Honor will by proper process make the said Sibley Stewart party respondent to this cause of action, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a hearing hereof, your Honor will enter an order and decree granting to her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent; that a decree be made awarding to the Complainant the care, custody and control of the minor children Tommy Stewart and Martin Stewart; Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

  
Solicitor for the Complainant

RECORDED  
2634

ARBELL STEWART  
COMPLAINANT

VS

SIBLEY STEWART  
RESPONDENT

BILL OF COMPLAINT

FILED  
MAY 2 1951  
ALICE J. DUCK, Register

2634