

Circuit Court, In Equity

**vs.**

- , Complainant

Respondent

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 Nancy Byrns Smith is forever divorced from the said Cecil R. Smith for and on account of Abandonment.

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

This 12<sup>th</sup> day of July, 1951

Julius J. Madsbury, Jr.  
Judge Circuit Court, In Equity.

Witness my hand and seal this the \_\_\_\_\_ day

of \_\_\_\_\_, 19\_\_\_\_

Register of Circuit Court, In Equity.

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

The State of Alabama  
BALDWIN COUNTY

In Circuit Court, In Equity

NANCY EYARS SMITH

Complainant

vs.

CECIL R. SMITH

Respondent

**DIVORCE DECREE**

*Filed 7-12-57  
Assoc. Justice  
Dey*

NANCY BRYARS SMITH

vs.

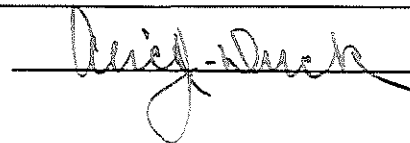
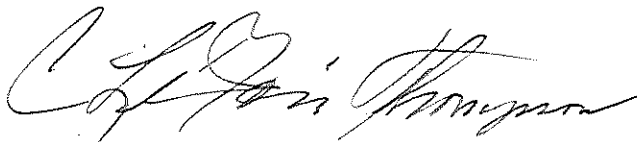
CECIL R. SMITH

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,

Decree Pro Confesso on Publication on the Respondent, and testimony  
of Nancy Bryars Smith and Nettie Joiner.

and in behalf of Defendant upon



Register.

No. ....

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

NANCY BRYARS SMITH

vs.

CECIL R. SMITH

NOTE OF TESTIMONY

Filed in Open Court this 10<sup>th</sup> .....

day of July, 1947 .....

Register

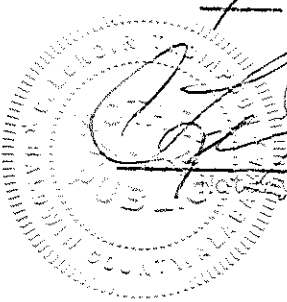
Printed By The Baldwin Times

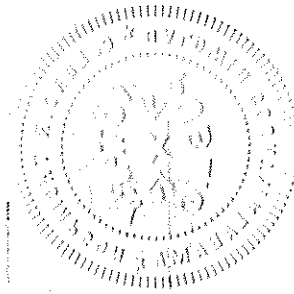
STATE OF ALABAMA 0  
BALDWIN COUNTY 0

Before me, the undersigned authority in and for the State of Alabama, Baldwin County, personally appeared Nancy B. Smith, who is known to me and who being by me first duly sworn according to law on oath doth depose and say that she is the Complainant in a certain cause being filed in the Circuit Court of Baldwin County, Alabama; that the Respondent in said cause, Cecil R. Smith, is a non-resident of the State of Alabama and whose residence, after a search having been made with due diligence, is unknown according to the best information and belief of the Complainant and that your Complainant can not ascertain the particular place of residence and Post Office address of the Respondent after expending a reasonable effort, which has been made; that said Respondent is over the age of twenty-one years.

Mrs Nancy B. Smith  
Complainant.

Sworn to and subscribed before me  
this 4 day of May, 1951.

 John P. Thompson  
Notary Public.



RECORDED

FILED

MAY 2 1951

ALICE J. BUCK, Registrar

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons CECIL R. SMITH, 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 NANCY B. SMITH as Complainant and against CECIL R. SMITH, as Respondent.

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

Register.

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NANCY B. SMITH

COMPLAINANT

VS

CECIL R. SMITH

RESPONDENT

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

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

Your Complainant, Nancy B. Smith, respectfully represents unto  
your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of Baldwin County,  
Alabama, and over twenty-one years of age; that the Respondent is  
over twenty-one years of age and a non-resident of the State of Alabama;  
that his post office address cannot be ascertained after a diligent  
search and inquiry.

2.

That your Complainant and the Respondent married at Laurel,  
Mississippi, on February 11, 1947, and lived together as husband and  
wife until on to-wit during January, 1949.

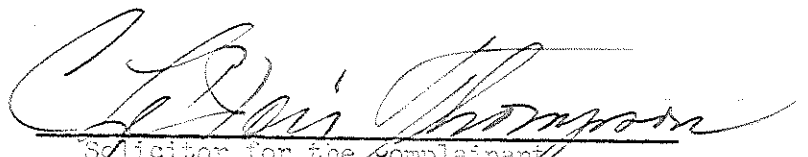
3.

That during January, 1949, while your Complainant and Respondent were  
living together as husband and wife, in Baldwin County, Alabama, the  
Respondent voluntarily abandoned the bed and board of your Complainant  
and has remained away voluntarily and continuously since that time.

That there was no children born to the marriage between your Complainant and the Respondent.

WHEREFORE, the premises considered, the Complainant prays that your Honor will by proper process make the said Cecil R. Smith, 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.

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; 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.



no 2638

RECORDED

NANCY B. SMITH

COMPLAINANT

VS

CECIL R. SMITH

RESPONDENT

SUMMONS AND COMPLAINT

FILED  
MAY 9 1951

From the law offices of  
A. L. L. Thompson  
Bay Minette, Alabama

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons CECIL R. SMITH, 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 NANCY B. SMITH as Complainant and against CECIL R. SMITH, as Respondent.

WITNESS my hand on this the 9<sup>th</sup> day of May, 1951.

W. J. Masburn, Jr.  
Register.

NANCY B. SMITH

COMPLAINANT

VS

CECIL R. SMITH

RESPONDENT

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

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

Your Complainant, Nancy B. Smith, respectfully represents unto  
your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age; that the Respondent is over twenty-one years of age and a non-resident of the State of Alabama; that his post office address cannot be ascertained after a diligent search and inquiry.

2.

That your Complainant and the Respondent married at Laurel, Mississippi, on February 11, 1947, and lived together as husband and wife until on to-wit during January, 1949.

3.

That during January, 1949, while your Complainant and Respondent were living together as husband and wife, in Baldwin County, Alabama, the Respondent voluntarily abandoned the bed and board of your Complainant and has remained away voluntarily and continuously since that time.

4.

That there was no children born to the marriage between your Complainant and the Respondent.

WHEREFORE, the premises considered, the Complainant prays that your Honor will by proper process make the said Cecil R. Smith, 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.

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; 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

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**THE STATE OF ALABAMA**  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

NANCY BRYARS SMITH

Complainant

VS.

CECIL R. SMITH

Respondent

I, Lois Paul

as Register and Commissioner

have called and caused to come before me Nancy Bryars Smith and Nettie Joiner

witness es named in the Requirement for Oral Examination, on the 10th day of July  
1945, at the office of C. LeNoir Thompson  
in Bay Minette, Alabama, and having first sworn said Witness es to speak the  
truth, the whole truth, and nothing but the truth, the said Nancy Bryars Smith and  
Nettie Joiner doth depose and say as follows:

That my name is Nancy Bryars Smith, and the respondent, my husband, name is Cecil R. Smith. We are both over the age of 21, residents of Baldwin County, Alabama. I have been such resident more than two years next preceeding. The whereabouts of the respondent is now unknown. The last residence having been in Baldwin County but I have heard nothing from him since. Not long after we separated in January, 1949 at which time he left and we have not lived together as husband and wife since that datenor has he supported me in any manner since that time. We were married on February 11, 1947 in Laurel, Mississippi and followed his work moving frequently and at irregular times. My residences however has always been Baldwin County. There are no children as fruits of this marriage and there is no property to be divided and I know we will never live together again as husband and wife and I would like to have my divorce.

Nancy Bryars Smith

That my name is Nettie Joiner, I know both parties to this cause. They were married during the month of February, 1947 at Laurel, Mississippi and lived together as husband and wife until sometime in January, 1949. Mrs. Nancy Bryars Smith stayed in Baldwin County most of the duration of their marriage. I know of no cause which she gave her husband for the separation and I am sure that there was no fault on her part following the separation. The respondent left for parts unknown and I have no knowledge of his whereabouts though we believe him to be a non-resident of the State of Alabama. There are no children as fruits of this marriage and they have no property to be divided.

Nettie Joiner

**ORAL EXAMINATION.**

I, Lois Paul, as Register and Commissioner hereby certify that the foregoing deposition s 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 C. LeNoir Thompson 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 10th day of July, 1951

Lois Paul (L. S.)

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

NANCY BRYARS SMITH

vs. Complainant

CECIL R. SMITH

Respondent.

## Oral Deposition

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

Register.

FILED  
Recorded in  
JUL 10 1951

Record

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

Register.

ALICE J. DUCK, Register

ALABAMA'S BEST COUNTY'S-

BAY MINETTE, ALABAMA

BEST NEWSPAPER

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
BALDWIN COUNTY.

**NOTICE TO NON-RESIDENT**  
The State of Alabama, Baldwin County.  
Circuit Court, in Equity  
This the 9th day of May, 1951.  
NANCY B. SMITH, No. 2638, vs. CECIL  
R. SMITH.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Nancy B. Smith that the Defendant Cecil R. Smith is a non-resident of the State of Alabama and further, that, in the belief of said Affiant the Defendant over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Cecil R. Smith the said Respondent to answer or demur to the Bill of Complaint in this cause by the 9th day of June 1951, or after thirty days therefrom a decree Pro Confesso may be taken against him.

ALICE J. DUCK,  
Register.  
C. LENOIR THOMPSON,  
Solicitor For Complainant

16-4c.

Jimmy Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Nancy B. Smith vs. Cecil  
R. Smith

### COST STATEMENT

152 WORDS @ 4  $\frac{1}{2}$  cents — — — \$ 6.84

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner  
Publisher.

Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication May 10, 1951 Vol. 62 No. 16

Date of 2nd publication May 17, 1951 Vol. 62 No. 17

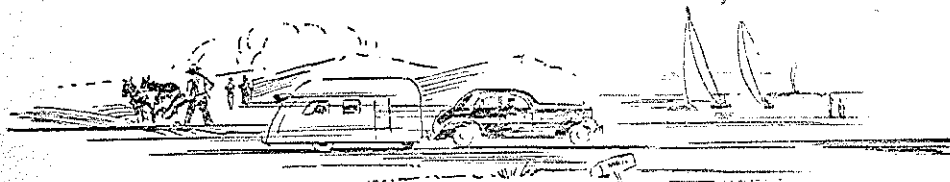
Date of 3rd publication May 24, 1951 Vol. 62 No. 18

Date of 4th publication May 31, 1951 Vol. 62 No. 19

Subscribed and sworn before the undersigned this 31 day of May, 1951

Danetay Martin  
Notary Public, Baldwin County.

Jimmy Faulkner  
Publisher.



**NOTICE TO NON-RESIDENT**

The Baldwin Times, Bay Minette, Alabama

NANCY B. SMITH

No. 2638

vs.

CECIL R. SMITH

The State of Alabama,

Baldwin County.

Circuit Court, in Equity

This the 9th day of

May, 1945

In this cause it being made to appear to the Clerk of this Court by the affidavit of  
Nancy B. Smith

that the Defendant Cecil R. Smith

is a non-resident of the State of Alabama

and further, that, in the belief of said Affiant the Defendant over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring

Cecil R. Smith the said Respondent

to answer or demur to the Bill of Complaint in this cause by the 9th day of  
June 1945, or after thirty days therefrom a decree Pro Confesso may be taken against him

Reisf. [Signature]  
Register.

C. LeNoit Thompson  
Solicitor For Complainant



THE STATE OF ALABAMA, }  
Baldwin County }

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

NANCY BRYARS SMITH

Complainant

Vs.

CECIL R. SMITH

Defendant

~~Motion is hereby made for a Decree Pro Confesso against~~

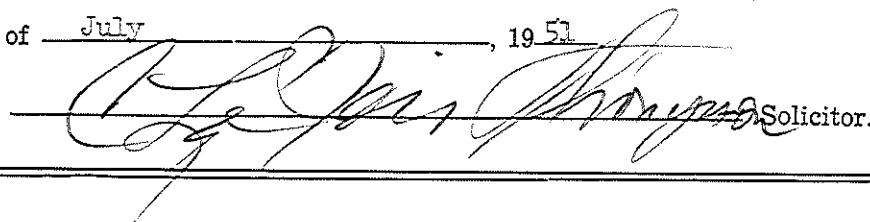
CECIL R. SMITH

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 10<sup>th</sup> day of July, 19 51

746 Code

  
Solicitor.

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

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT, IN EQUITY**

NANCY BRYARS SMITH

Complainant \_\_\_\_\_

Vs.

CECIL R. SMITH

Defendant \_\_\_\_\_

**Motion for Decree Pro Confesso**  
**On Publication**

Filed 7-10, 1957

*Archie J. French*  
Register.

Recorded in \_\_\_\_\_ Record

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

Register.

The Baldwin Times, Bay Minette, Ala.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: Lois Paul

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 Nancy Bryars Smith and Nettie Joiner

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

Nancy Bryars Smith

and Cecil R. Smith, Complainant

Respondent

on oath, to be by you administered, upon Nancy Bryars Smith and Nettie Joiner  
to take and certify the depositions of the witnesses and return the same to our Court, with all  
convenient speed, under your hand.

Witness 10<sup>th</sup> day of July, 1951

Reing J. Smith  
Register.

Commissioner's Fee, \$

Witness' Fees, \$

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

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

**CIRCUIT COURT**

NANCY BRYARS SMITH

Complainant

vs.

CECIL R. SMITH

Defendant

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER:

LOIS PAUL

WITNESSES:

NANCY BRYARS SMITH

NETTIE JOINER

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

NANCY BRYARS SMITH

Complainant\_\_\_\_\_

Vs.

CECIL R. SMITH

Defendant\_\_\_\_\_

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the Foley Onlooker a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in \_\_\_\_\_ County, on the \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_ and \_\_\_\_\_

And it now further appearing to the Register Alice J. Duck that the said Cecil R. Smith

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant\_\_\_\_\_, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Cecil R. Smith

This 10<sup>th</sup> day of July 1951

Alice J. Duck Register.

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

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

NANCY BRYARS SMITH

Vs.

CECIL R. SMITH

Decree Pro Confesso of Publication

Issued 7-10 1957

Archie J. Snuck  
Register.

Recorded in \_\_\_\_\_ Record

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

Register.

2638