

992

# The State Of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

FANNIE MERCHANT

Complainant

VS

JIM MERCHANT

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on answer and waiver of Respondent 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 FANNIE MERCHANT

is forever divorced from the said

JIM MERCHANT

for and on account of 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 Fannie Merchant and Jim Merchant be, and ~~they are~~ hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Jim Merchant the Respondent pay the cost herein to be taxed, for which execution may issue.

This 5<sup>th</sup> day of Sept.

1943

F. W. 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.

No. .... Page .....

The State Of Alabama  
Baldwin County

In Circuit Court, In Equity

vs. Complainant.

Respondent.

DIVORCE DECREE

It is hereby ordered and decreed that the parties to the within and above captioned cause be and they are divorced with all the incidents thereof, and that the same be a final and complete divorce, and that the parties be at liberty to marry again.

It is further ordered that the parties to the within and above captioned cause be and they are divorced with all the incidents thereof, and that the same be a final and complete divorce, and that the parties be at liberty to marry again.

It is further ordered that the parties to the within and above captioned cause be and they are divorced with all the incidents thereof, and that the same be a final and complete divorce, and that the parties be at liberty to marry again.

Witness my hand and seal this 1st day of May, 1911.

John H. ...  
Clerk of the Circuit Court of Baldwin County, Alabama

Approved my hand and seal this 1st day of May, 1911.

FANNIE MERCHANT  
COMPLAINANT

VS

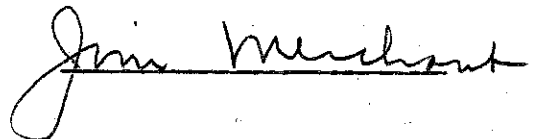
JIM MERCHANT,  
RESPONDENT

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

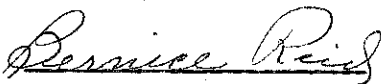

And now comes the Respondent, Jim Merchant, in his own proper person and accepts service of the summons and complaint in this cause.

The Respondent denies each and every allegation contained in Complainant's bill of complaint, and demands strict proof of same.

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



WITNESS:

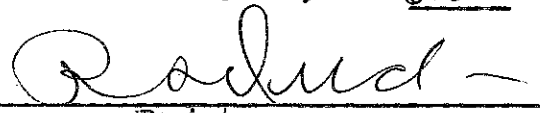
  


STATE OF ALABAMA  
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, that you summon JIM MERCHANT to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within sixty days after the service of the summons, and there to answer, plead or demur without oath to a bill of Complaint, lately exhibited by FANNIE MERCHANT against the said Jim Merchant, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit, under penalty, etc. And we further command that you return this writ with your execution thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Circuit Court, this 6<sup>th</sup> day of September, 1943.

  
Register.

FANNIE MERCHANT  
COMPLAINANT  
VS  
JIM MERCHANT  
RESPONDENT.

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

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

Now comes your Complainant, FANNIE MERCHANT, and humbly complaining against the Respondent, Jim Merchant, respectfully represents and shows 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 are bona fide residents of Baldwin County, Alabama, and have been for more than three years next preceding the filing of this bill of Complaint;

2.

That they were married at Bay Minette, in Baldwin County, Alabama, on March 15th, 1922, and lived together as husband and wife in Baldwin County, Alabama, until in January, 1943.

3.

That on, to-wit, January 10th, 1943, and at various times prior thereto, the Respondent cursed, threatened, and abused the Complainant and often threatened to

do violence to her person which would necessarily endanger her life and health; that 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 do further violence to her person which would necessarily endanger her life and health.

PRAYER FOR PROCESS.

Wherefore, the premises considered, your Complainant prays that your Honor will, by proper process, make the said Jim Merchant party respondent to this Bill of Complaint, 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 final hearing hereof your Honor will give and grant unto her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondant, and that your Honor will give and grant unto her such other, further, different and general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

BEEBE & HALL

By *H. H. Beebe*  
Solicitors for Complainant.

992

RECORDED

FANNIE MERCHANT  
COMPLAINANT

VS

JIM MERCHANT,  
RESPONDENT

ANSWER AND WAIVER OF RESPONDENT

*Produced by 1943  
Gardner  
and*

992

RECORDED

FANNIE MERCHANT  
COMPLAINANT

VS

JIM MERCHANT  
RESPONDENT

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SUMMONS AND COMPLAINT  
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*Filed by 1945  
Gardner  
Gry*

THE STATE OF ALABAMA }  
Baldwin County }

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

FANNIE MERCHANT COMPLAINANT

vs.

JIM MERCHANT RESPONDENT

I, Bernice S. Reid

as Register and Commissioner

have called and caused to come before me Fannie Merchant and Alice Rackard

witness<sup>es</sup> named in the requirement for Oral Examination, on the 4th day of September  
1943, at the office of Beebe & Hall

in Bay Minette, Alabama, and having first sworn said witness<sup>es</sup> to speak the

truth, the whole truth, and nothing but the truth, the said Fannie Merchant and Alice

Rackard doth depose and say as follows:

My name is Fannie Merchant. I live at Loxley, in Baldwin County, Alabama, and am over twenty one years of age. I have lived in Baldwin County, Alabama, for more than three years next preceding the filing of this bill of complaint, in this cause.

The Respondent and I were married at Bay Minette, on March 15th, 1922, and lived together as husband and wife in Baldwin County, Alabama, until, on to-wit January 10th, 1943.

That on, to-wit, January 10, 1943, the Respondent cursed, threatened and abused me, and often threatened to do violence to my person which would necessarily endanger my life and health; that on one occasion the Respondent committed actual violence to me by hitting me with an ox-whip.

The conduct of the Respondent is such as to render it absolutely impossible for me to live with him as his wife, and I have every reasonable apprehension to believe, from his conduct that he will carry out his threats and do further violence to my person, which would necessarily endanger my life and health.

We have no children and no property, either real or personal.

Fannie Merchant

Alice Rackard, a witness for Complainant, being first duly sworn, deposes and says: My name is Alice Rackard. I live at Bay Minette, Baldwin County, Alabama, and I am personally acquainted with the Complainant and the Respondent in this cause. I have known them both for more than twenty years, and have had occasion to be around them from time to time while they were living together as husband and wife, I know of my own personal knowledge that they could never get along and that the Respondent was all the time cursing and abusing the Complainant and on several occasions when I have been with them he has threatened to do violence to her which would necessarily endanger her life and health. I know of my own knowledge that the conditions were such as to render it absolutely impossible for them to live together as husband and wife.

Witness: Bernice Reid

Alice Rackard



I, Bernice S. Reid 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 witnesses and read over to them and they signed the same in the presence of myself and H. M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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 4th day of September 1943.

Bernice Reid (L. S.)

No. 993

Page

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

PAUNTE MERCHANT

COMPLAINANT

VS.

JIM MERCHANT

RESPONDENT

ORAL DEPOSITION

Filed Sept 4th, 1943

Reid, Register.

RECORDED IN

Record

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

Register

State of Alabama,  
Baldwin County.

} NO. \_\_\_\_\_ TERM, 194\_\_.

FANNIE MERCHANT

Complainant—

VS.

JIM MERCHANT

Respondent—

TO R. S. DUCK, REGISTER:

In the above stated cause a answer and waiver  
having been filed by the Respondent, the Respondent—,  
and evidence having been taken, and the cause being ready for submission for final decree, and  
no defense having been interposed, the complainant—, by Beebe & Hall,  
Solicitor<sup>s</sup> 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. BEEBE & HALL

BY *[Signature]*  
Solicitor— for Complainant—.

NO. 992

FANNIE MERCHANT

Complainant—

VS.

JIM MERCHANT

Respondent—

**Request For Decree In Vacation**

Filed Sept 16, 1942

[Signature]  
Register.

FANNIE MERCHANT

COMPLAINANT

VS.

JIM MERCHANT

RESPONDENT

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 of Respondent, and testimony of complainant's witnesses, \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and in behalf of Defendant upon \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

RECORDED

No. 992

The State of Alabama,  
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

FANNIE MERCHANT

COMPLAINANT

VS.

JIM MERCHANT

RESPONDENT.

NOTE OF TESTIMONY

Filed in Open Court this 6<sup>th</sup>

day of Sept 1943

[Signature]

Register.