

The State Of Alabama, Baldwin County
CIRCUIT COURT, IN EQUITY

Frankie Mae Smith Complainant

VS

Otis Smith Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Devers Pro Confessa~~ on answer 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 Frankie Mae Smith is forever divorced from the said

Otis Smith

for and on account of cruelty.

It is further ordered, adjudged and decreed that the maiden name of complainant, Frankie Mae Gilbert, be, and the same hereby is, restored to her.

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 complainant, Frankie Mae Smith, be, and is hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that complainant, Frankie Mae Smith, ~~XXX~~ pay the cost herein to be taxed, for which execution may issue.

This 7th day of October, 1943.

J. M. Hall

Judge Circuit Court, in Equity.

I, R. S. Duck, 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 October, 1943

Register of Circuit Court, in Equity.

NA 2006 Page

The State Of Alabama

Baldwin County

In Circuit Court, In Equity

vs. Complainant.

Respondent.

DIVORCE DECREE

STATE OF ALABAMA,)
BALDWIN COUNTY.)

IN THE CIRCUIT COURT, IN EQUITY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby com-
manded to summon Otis Smith to appear within thirty days
after service hereof, in the Circuit Court, in Equity, of
said County and State, then and there to answer, plead or
demur to the attached bill of complaint against him filed in
this court by Frankie Mae Smith.

WITNESS MY HAND this 7th day of October, 1943.

R. S. Duck
Register.

Frankie Mae Smith,
Complainant,

vs

Otis Smith,
Respondent.

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

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Comes your Complainant, Frankie Mae Smith, and brings
this her bill of complaint against Otis Smith, the respond-
ent, and alleges unto your Honor as follows:

1. She is now, and has been for more than one year
next preceding the filing of the bill of complaint in this
cause, a bona fide resident of Baldwin County, Alabama, and
the respondent is also a resident of Baldwin County, Alabama.
Complainant is over the age of eighteen years, and respondent
is over the age of twenty-one years.

2. Complainant and respondent were lawfully married to
each other on June 17, 1943, by a Justice of the Peace at
Lucedale, Mississippi, and lived together as man and wife
until September 4, 1943.

3. On said last date of ~~Sept~~^{Sept} 4, 1943, respondent com-
mitted actual violence on the person of complainant attended
with danger to her life or health by striking her with his
hand and threatening and abusing her, and there being reason-
able apprehension of further acts of such violence, complain-
ant for her safety refused to live further with him. Several
other acts of such violence had previously occurred and the
respondent being a man of ungovernable temper complainant
feared for her life and health. Complainant and respondent
have not lived together as man and wife or otherwise since
said last date.

WHEREFORE, the premises considered, complainant prays
that proper process issue for service upon the said respond-
ent. Complainant further prays that upon the hearing hereof
your Honor and the Court will be pleased to give and grant to
her a degree of absolute divorce from the said respondent, with
permission to complainant to again marry, if she should see
fit so to do. And complainant prays for such other, further
and different and decrees as she may be entitled to receive,
the premises considered. Complainant further prays that the
Court will restore to her her maiden name of Frankie Mae Gilbert.

A. E. Smith
Solicitor for Complainant.

70059

RECORDED

Frankie Mae Smith

vs

Otis Smith

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER OF RESPONDENT

1006

Filed Oct 7, 1943

[Handwritten signature]

10 RECORDING

Frankie Mae Smith

vs

Otis Smith

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

BILL OF COMPLAINT

*Final entry 1945
D. O. Jones
Ref*

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Term, 194_____

Frankie Mae Smith _____, Complainant

Vs.

Otis Smith _____, 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 H. E. Smith

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.

H. E. Smith
Solicitor for Complainant.

Frankie Mae Smith

VS.

Otis Smith

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 oral depositions of
witnesses on behalf of complainant, namely: Frankie Mae Smith
and Daisy Mae Gilbert.

and in behalf of Defendant upon answer and waiver.

Roduck Register.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Term, 194_____

Frankie Mae Smith _____, Complainant

Vs.

Otis Smith _____, 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 H. E. Smith

_____ 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.

H. E. Smith
Solicitor for Complainant.

Frankie Mae Smith

VS.

Otis Smith

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 oral depositions of
witnesses on behalf of complainant, namely: Frankie Mae Smith
and Daisy Mae Gilbert.

and in behalf of Defendant upon answer and waiver.

Roduck Register.

THE STATE OF ALABAMA }
Baldwin County }

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

Frankie Mae Smith COMPLAINANT

vs.

Otis Smith RESPONDENT

R. S. Duck

I, _____

as Register and Commissioner _____

have called and caused to come before me Frankie Mae Smith and Daisy Mae

Gilbert

witness^{es} named in the requirement for Oral Examination, on the 7th day of October

1943, at the office of myself

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 Frankie Mae Smith

doth depose and say as follows:

My name is Frankie Mae Smith and I am the complainant in this cause for divorce against Otis Smith. I am now and have been for more than one year next preceding the filing of the bill of complaint in this cause a bona fide resident of Baldwin County, Alabama, and the respondent is also a resident of Baldwin County, Alabama. I am over the age of eighteen years and the respondent is over the age of twenty-one years.

I and the respondent were lawfully married to each other on June 17, 1943, by a Justice of the Peace at Lucedale, Mississippi, and lived together as man and wife until September 4, 1943.

On said last date of September 4, 1943, the respondent committed actual violence on my person attended with danger to my life or health by striking me with his hand or fist and threatening and abusing me, and there being reasonable apprehension of further acts of such violence, I for my safety refused to live further with him. Several other acts of such violence had previously occurred and he being a man of ungovernable temper I feared for my life or health.

I and the respondent have not lived together as man and wife or otherwise since said date of September 4, 1943.

After our marriage the respondent drank beer and intoxicating liquors very frequently and often and continually quarreled at and threatened me. He also ran around with other women and men and did not stay at home with me much. I couldn't say anything to him about it for if I did he became violently angry. I put up with it as long as I could and when the above last occasion occurred I had to go home to my mother and father and have not lived with him since, as I am afraid of him.

My maiden name was Frankie Mae Gilbert and I would like to have it restored to me.

Frankie Mae Smith

I, R. S. Duck 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 witness es and read over to them and they signed the same in the presence of myself and H. E. Smith, Solicitor for Complainant

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof 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 day of October 1943

R. S. Duck (L. S.)
Register.

No. 1006 Page

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Frankie Mae Smt th

COMPLAINANT

vs.

Otlis Smt th

RESPONDENT

ORAL DEPOSITION

Filed Oct 7 1943

RECORDED IN _____, Register.

Record _____

Vol. _____ Page _____

Register _____

And Daisy Mae Gilbert, after having been first by me duly sworn, testified, as a witness in behalf of complainant, in substance as follows:

My name is Daisy Mae Gilbert. I am over the age of twenty-one years, am a resident of Bay Minette, Baldwin County, Alabama, and am the mother of the complainant, Frankie Mae Smith. I have read over the testimony of the complainant and know that it is all substantially true. They have not lived together as man and wife or otherwise since September 4, 1943, as she came back to our house to live.

I know that the respondent drank intoxicating liquor to excess and made a habit of that for I have seen him drunk. He ran around a great deal with other men and women and did not treat her in any way as a dutiful husband should. They stayed at my house for about three weeks during August of this year and it was nearly always one or two o'clock in the morning before he would come. He was always very quarrelsome and threatening when he did come. After this they moved to themselves and he continued to mistreat. All of this injured her health to a great extent, and after September 4, 1943, we were afraid for her to go back around him as we apprehended that he would either seriously hurt her or that she would be a nervous wreck.

Daisy Mae Gilbert