

(3162)

DIVORCE DECREE

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

HENRY KELLY, Complainant

vs.

ESSIE NOBLE KELLY, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Answer & Verdict 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

Henry Kelly is forever divorced from the said Essie Noble Kelly for and on account of Adultery

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

This 2nd day of April, 1954
Hubert M. Hall
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

HENRY KELLY

Complainant

vs.

ESSIE HODGE KELLY

Respondent

DIVORCE DECREE

FILED

APR 2 1954

ALICE J. DOCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Essie Nobles Kelly, 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 Henry Kelly, as Complainant.

WITNESS my hand this 2nd day of January, 1954.

Being J. J. J. J. J.
Register

HENRY KELLY,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
ESSIE NOBLES KELLY,	)	
Respondent.	)	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY SITTING:

Your complainant, Henry Kelly, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

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

2.

That your complainant and the respondent married in Bay Minette, Alabama, September 10, 1939, and lived together as husband and wife in Baldwin County, Alabama, until on, to-wit, November 15, 1953, and that Baldwin County has been the home of the complainant for more than two years the next preceding.

3.

Your complainant further avers and alleges that said respondent has been guilty of adultery with Lester Louis.

4.

There were no children born as fruits of this marriage between the complainant and the respondent.

WHEREFORE, the premises considered, your complainant prays that your Honor will by proper procedure make the said Essie Nobles Kelly party respondent to this bill of complaint, requiring her 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 final hearing hereof your Honor will grant to him an absolute divorce forever barring the bonds of matrimony existing between your complainant and respondent, and that your complainant be awarded such other, further, different or general relief as he may be in equity and good conscience entitled to receive.


Solicitor for Complainant.

Received in Sheriff's Office
this 24 day of June 1954
TAYLOR WILKINS, Sheriff

No. 3167
HENRY KELLY,

Complainant,

vs.

ESSIE NOBLES KELLY,

Respondent.

COMPLAINT

From the Law Office of

C. LeRoar Thompson

Attorney at Law

FILED

JUN 2 1954

ALICE J. DUCK, Register

Received _____ day of _____ 19____
and on 25 day of June 1954
I served a copy of the within _____
on _____

By service on Essie Nobles Kelly

TAYLOR WILKINS Sheriff

By Patricia S. S.

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

HENRY KELLY

Complainant

VS.

ESSIE NOBLE KELLY

Respondent

I, Lyrleane Nixon

as Register and Commissioner

have called and caused to come before me Henry Kelly and Robert Walker

witness named in the Requirement for Oral Examination, on the 2 day of April

1954, at the office of C. LeNoir Thompson

in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Henry Kelly and Robert Walker

doth depose and say as follows:

That my name is Henry Kelly, that I am over the age of 21 years and a resident of Baldwin County, Alabama, and have been more than two years next preceding, the Respondent, Essie Noble Kelly is also over the age of 21 and a resident of Baldwin County, Alabama, we were married in Bay Minette, Alabama on September 10, 1939, and lived together as husband and wife in Baldwin County, Alabama until on or about November 15, 1953, that about this time the Respondent had begun to let one Lester Lewis hang around the house against my wishes and judgment, and it was about this date that the said Lester Lewis with threatening motion drove me away from my home in order that he might be undisturbed on the premises with the Respondent, at which time they committed adultery, I had Lester Lewis arrested and he was convicted in County Court for this occasion, and I have not lived with the respondent as husband and wife since that date. There are no children as fruits of our marriage and I respectfully ask this Honorable Court to grant me a divorce as I know I can never live with the Respondent again as husband and wife. I respectfully ask for my single bed, mattress, three quilts, a coca cola box used in my business and my carpenter books.

Henry Kelly

That my name is Robert Walker, I know both parties to this cause they were married in Bay Minette, Alabama in September, 1939 and lived together as husband and wife in Baldwin County until the time of their separation, which was about the middle of November last year, the cause of the separation was that Lester Lewis came between Henry Kelly and his wife and at the time of the separation drove Henry Kelly away from his home so he would not be interfered with while there with the respondent. They have not lived together as husband and wife since this separation so far as I know and I do not believe they will ever live together as husband and wife any more. There are no children as fruits of this marriage.

Robert Walker

ORAL EXAMINATION

I, Lysleene Nixon, 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 as and read over to them and they signed the same in the presence of myself and C. LeNoir Thomson

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness as or had proom made before me of the identity of said witness as; 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 2nd day of April, 19 54
Lysleene Nixon (L. S.)

No. _____	Page _____
The State of Alabama	
Baldwin County.	
In Circuit Court, In Equity	
vs.	Complainant
Respondent	
Oral Deposition	
Filed _____, 19____	
FILED	
Recorded in 1954	
Vol. _____	Page _____
Record	
Register	

HENRY KELLY,
COMPLAINANT,
VS
ESSIE NOBLES KELLY,
RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. CASE NO. 3167

TO THE HONORABLE H. M. HALL, JUDGE OF CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY.

Now comes the Respondent in the above styled cause and
files this her demurrers to the allegations contain in the
Complainant's petition and says:

I.

That said petition does not state a cause of action.

II.

That the petition fails to inform the Respondent as to
the time of the alleged adulterous acts.

III.

That the petition fails to state where said adulterous
acts were committed.

IV.

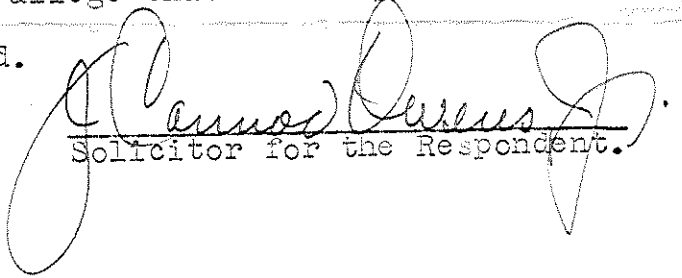
The petition does not allege that separation occurred within
three months after knowledge of the alleged adulterous acts.

V.

That the petition does not allege that the Complainant
has separated from the Respondent.

VI.

That the petition does not allege that the Complainant did
not condone such acts as alleged.


Solicitor for the Respondent.

RECORDED

3167

HENRY KELLY,

COMPLAINANT,

VS

ESSIE NOBLES KELLY,

RESPONDENT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. CASE NO. 3167

DEMURRERS

*Filed 1-7-54
Oliver J. Owens
Clerk*

J. Connor Owens, Jr
Attorney At Law
Bay Minette, Alabama

HENRY KELLY

vs.

ESSIE MOORE KELLY

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

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

Answer & Waiver, and Testimony of Henry Kelly and Robert Walker

and in behalf of Defendant upon _____

Register.

C. LeRoy Thompson

Henry Kelly

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this

day of **FILED**, 194

Oct 2 1954

Register.

Printed by the Baldwin County Register

AMENDED COMPLAINT

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Essie Nobles Kelly, 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 Henry Kelly, as Complainant.

WITNESS my hand this _____ day of February, 1954.

Register

HENRY KELLY,	)	IN THE CIRCUIT COURT OF
COMPLAINANT,	)	BALDWIN COUNTY, ALABAMA
VS	)	IN EQUITY.
ESSIE NOBLES KELLY,	)	
RESPONDENT.	)	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Your complainant, Henry Kelly, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

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

2.

That your complainant and the respondent married in Bay Minette, Alabama, September 10, 1939, and lived together as husband and wife in Baldwin County, Alabama, until on, to-wit, November 15, 1953, and that Baldwin County has been the home of the complainant for more than two years the next preceding.

3.

Your complainant further avers and alleges that said respondent has been guilty of adultery with Lester Louis during November, 1953.

4.

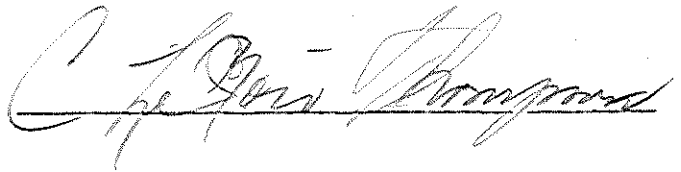
Your complainant further avers and alleges that said respondent has been guilty of adultery with divers parties and persons whose names to your complainant are unknown.

5.

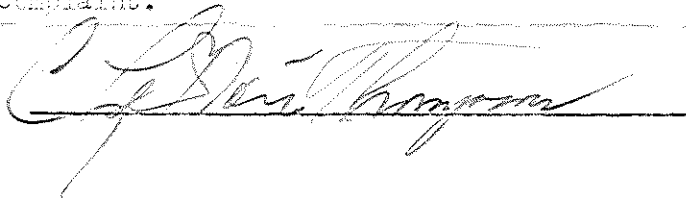
There are no children born as fruits of this marriage between the complainant and the respondent

WHEREFORE, the premises considered, your complainant prays that your Honor will by proper procedure make the said Essie Nobles Kelly party respondent to this bill of complaint, requiring her 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 final hearing hereof your Honor will grant to him an absolute divorce forever barring the bonds of matrimony existing between your complainant and respondent, and that your complainant be awarded such other, further, different or general relief as he may be in equity and good conscience entitled to receive.



I hereby certify that I have this day mailed postage prepaid to the attorney of the Respondent a copy of this complaint.



IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

RECORDED

HENRY KELLY,

COMPLAINANT

VS

ESSIE HOLMES KELLY,

RESPONDENT.

AFFIDAVIT COMPLAINT

FILED

FEB 8 1954

ALICE J. DUCK, Register

C. Leloir Thompson
Attorney At Law
Bay Minette, Alabama

HENRY KELLY,
COMPLAINANT,
VS
ESSIE NOBLES KELLY,
RESPONDENT,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. CASE NO. 3167

TO THE HONORABLE H. M. HALL, JUDGE OF CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY.

Now comes the Respondent in the above styled cause and
files this her demurrers to the allegations contain in the
Complainant's petition and says:

I.

That said petition does not state a cause of action.

II.

That the petition fails to state where said adulterous
acts were committed.

III.

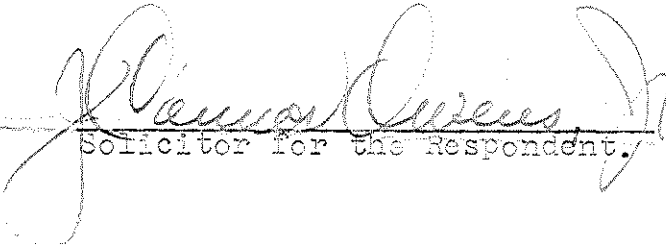
The petition does not allege that separation occurred
within three months after knowledge of the alleged adulterous acts.

IV.

That the petition does not allege that the Complainant has
separated from the Respondent.

V.

That the petition does not allege that the Complainant did
not condone such acts as alleged.


Solicitor for the Respondent.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. CASE NO. 3167

HENRY KELLY,
COMPLAINANT,

VS

ESSIE NOBLES KELLY,
RESPONDENT,

DEMURRERS TO
AMENDED COMPLAINT

FILED 2-11-54
Amey J. Luck
Secy

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

HENRY KELLY,

COMPLAINANT,

VS

ESSIE NOBLE KELLY,

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, marriage and residence 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.

Essie Noble Kelly

STATE OF ALABAMA

BALDWIN COUNTY

I, C. LeNoir Thompson, a Notary Public, in and for said County, in said State, hereby certify that Essie Noble Kelly, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Witness my hand and seal this 2 day of April, 1954.

C. LeNoir Thompson
Notary Public, Baldwin County, Alabama.

HENRY KELLY,

COMPLAINANT,

VS

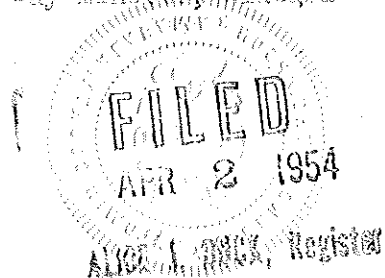
ESSIE NOBLE KELLY,

RESPONDENT.

RECORDED

Answer & Waiver

C. LeNoir Thompson
Attorney At Law
Day Minetta, Alabama



HENRY KELLY,	§	IN THE CIRCUIT COURT OF
COMPLAINANT,	§	BALDWIN COUNTY, ALABAMA
VS	§	IN EQUITY
ESSIE NOELES KELLY,	§	CASE NO. 3167
RESPONDENT.	§	

DECREE OVERRULING DEMURRER

This cause coming on to be heard is submitted on Respondent's demurrer to complainant's bill in the above styled cause, and the same being considered and understood by the Court, the Court is of the opinion that said demurrer should be overruled. It is, therefore,

ORDERED, ADJUDGED AND DECREED that Respondent's demurrer to Complainant's bill be, and the same is hereby overruled.

Done and ordered this 16 day of February, 1954.

Hubert M. Hall
Circuit Judge.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NO. 3167

HENRY KELLY,
COMPLAINANT,
VS
ESSIE NOBLES KELLY,
RESPONDENT.

DECREE OVERRULING DEMURRER

FILED

FEB 26 1954

ALICE A. DUCK, Register

C. LeNoir Thompson
Attorney At Law
Bay Minette, Alabama

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Lurleane Nixon

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 Henry Kelly and Robert "Bob"

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

Henry Kelly, Complainant
and Bessie Noble Kelly

Respondent
on oath, to be by you administered, upon
to take and certify the deposition^s of the witness^{es} and return the same to our Court, with all convenient speed, under your hand.

Witness 2nd day of April, 1954.

Alice J. French
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

vs.

Complainant—

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

FILED

WITNESSES:

ALICE J. DUCK, Notary

3167