

1013

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

O. C. Kennedy

Complainant

VS

Belle Kennedy

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ 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 O. C. Kennedy is forever divorced from the said

Belle Kennedy

for and on account of abandonment.

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 and respondent be, and are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that O. C. Kennedy, the complainant,

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

This 28th day of October, 1945.

J. M. Ware
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.

O. C. Kennedy,)	
Complainant,)	
vs)	IN THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA
Belle Kennedy,)	IN EQUITY
Respondent.)	

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

Come now your complainant, O. C. Kennedy, and brings this his bill of complaint against the respondent, Belle Kennedy, and alleges unto your Honor and the Court as follows:

1. Complainant is over the age of twenty-one years and is now, and has been for more than one year next preceding the filing of this his bill of complaint, a bona-fide resident citizen of Baldwin County, Alabama. The respondent is over the age of twenty-one years and is a non-resident of the State of Alabama, her place of residence and postoffice address being Walnut Hill, Escambia County, Florida.

2. Complainant and respondent were lawfully married to each other on, to-wit: April 20, 1919, in Escambia County, Florida, and lived together as man and wife until, to-wit: September 15, 1939, and have not lived together as man and wife or otherwise since said last date.

3. On said last date of, to-wit: September 15, 1939, the respondent voluntarily abandoned the bed and board of Complainant and has remained away continuously since said last date. Respondent voluntarily abandoned the bed and board of complainant more than one year next preceding the filing the bill of complaint in this cause. Said abandonment was without the consent of complainant and without fault on complainant's part as ~~xxx~~ he always acted toward respondent as a dutiful husband should. The said abandonment occurred in Escambia County, Florida, but complainant has been for more than four years next preceding the filing of this bill of complaint and is now a bona fide resident of Baldwin County, Alabama, and the said respondent has been during all of said period and is now a non-resident of the State of Alabama residing as aforesaid.

WHEREFORE, the premises considered, complainant prays that the said Belle Kennedy, respondent herein, be made a party respondent to this his bill of complaint and that due process of law issue for service upon her~~x~~, the respondent.

Complainant farther prays that upon the final hearing hereof your Honor and the Court will be pleased to give and grant to him a decree of absolute divorce from respondent, with permission to complainant to again marry, should he see fit so to do. And complainant farther prays for all such other and farther relief, orders and decrees as he may be entitled to receive, the premises considered.

J. E. Smith

 Solicitor for Complainant.

O. C. Kennedy,)
Complainant,)
vs)
Belle Kennedy,)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER OF RESPONDENT

Now comes the respondent, Belle Kennedy, in the above entitled cause, and for answer to the bill of complaint filed against her in said cause, she denies each and every allegation of said bill of complaint, and demands strict proof thereof.

And, she, the said respondent, hereby waives any and all notice or service of notice of the filing of the said bill of complaint and further waives all and any notice of the taking of testimony in the said cause, and further waives all notice of the submission of the said cause for final decree.

* *Belle Kennedy*
Respondent.

1013

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

O. C. Kennedy,
Complainant,

vs

Belle Kennedy,
Respondent

ANSWER OF RESPONDENT

Filed Oct. 27, 1943

F. S. Luck.

1013

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

O. C. Kennedy,
Complainant

vs

Belle Kennedy,
Respondent

BILL OF COMPLAINT

Filed Oct. 27, 1943
R. S. Duck

RECORDED

No. 1010 Page.....

The State Of Alabama

Baldwin County

In Circuit Court, In Equity

O. C. Kennedy

vs. Complainant.

Belle Kennedy

Respondent.

DIVORCE DECREE

*Filed Oct 29 1943
J. M. Mearns
Cly*

The State Of Alabama Baldwin County

CIRCUIT COURT IN EQUITY

THE STATE OF ALABAMA }
Baldwin County }

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

O. C. Kennedy COMPLAINANT

VS.

Belle Kennedy RESPONDENT

I, R. S. Duck

as Register and Commissioner

have called and caused to come before me O. C. Kennedy, complainant and
Willie Kraker

witness ^{es} named in the Requirement for Oral Examination, on the 27th day of October

19 43, at the office of myself in the Courthouse

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 O. C. Kennedy

doth depose and say as follows:

My name is O. C. Kennedy and I am the complainant in this cause for divorce against the respondent, Belle Kennedy. I am over the age of twenty-one years and 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 citizen of Baldwin County, Alabama, in fact I have resided here for more than four years. The respondent, Belle Kennedy, is over the age of twenty-one years and is a non-resident of the State of Alabama, her place of residence and postoffice address being Walnut Hill, Escambia County, Florida. She has lived there for at least the last twenty years.

I and the said Belle Kennedy were lawfully married to each other on or about the 20th day of April, 1919, in Escambia County, Florida and lived together as man and wife until on or about the 15th day of September, 1939.

On said last date of September 15th, 1939, the said respondent, Belle Kennedy voluntarily abandoned my bed and board and has remained away continuously. She voluntarily abandoned my bed and board more than one year next preceding the filing of my bill of complaint in this cause. Said abandonment was without my consent and without any fault on my part as I always acted toward her as a dutiful husband should. The said abandonment occurred in Escambia County, Florida, but immediately after she left me, I moved back to Bay Minette, Baldwin County, Alabama, to live and for more than four years next preceding the filing of the bill of complaint in this cause I have been and am now a bona fide resident citizen of Baldwin County, Alabama and the respondent has been during all of said period a non-resident of the State of Alabama, residing at the above address. At the time of and prior to said abandonment, we had a nice home to ourselves in Escambia County, Florida and I always provided for her to the best of my ability, but one day, on September 15, 1939, I came back home from work she had taken her things and left and refused to come back. We have not lived together as man and wife or otherwise since September 15, 1939.

O. C. Kennedy

ORAL EXAMINATION

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, 19 43.

R. S. Duck
as Register and Commissioner (L. S.)

No. 1013 Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

O. C. Kennedy Complainant
Vs.
Belle Kennedy Respondent

ORAL DEPOSITION

Filed 10-27, 1943

R. S. Duck Register
and H. E. Smith
RECORDED IN _____

Record _____

Vol. _____ Page _____

Register _____

And Willie Kraker, testifying as a witness in behalf of complainant, after being first duly and legally sworn, testified in substance as follows:

My name is Willie Kraker. I am over the age of twenty-one years and reside in Bay Minette, Alabama. I have known the complainant, O. C. Kennedy, for more than two years, and have worked on the same job with him at the shipyard for over a year and so have been with and around him almost constantly for over a year.

I have read over his testimony and know that it is substantially true.

I know that he and his wife have been separated for well over a year, for as I stated I have been with him and seen him almost every day. He has been boarding here in Bay Minette.

Willie Kraker

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Term, 194_____

O. C. Kennedy

Complainant

Vs.

Belle Kennedy

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 vaca-

The State of Alabama,

Baldwin County

CIRCUIT COURT, IN EQUITY

O. C. Kennedy

Vs.

Race Kennedy

**REQUEST FOR DECREE IN
VACATION**

Filed 10-27 1943

R. S. Alurate
By Alice J. Alurate Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

O. C. Kennedy

THE STATE OF ALABAMA,
BALDWIN COUNTY

VS.

Belle Kennedy

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 respondents and oral
depositions of the witnesses, O. C. Kennedy, complainant
and Willie Kraker*

and in behalf of Defendant upon *Answer and Waiver*

RECORDED

No. 10B

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

O. C. Kennedy

VS.

Rae Kennedy

NOTE OF TESTIMONY

Filed in Open Court this 27th
day of Oct 1943

R. S. Duck
Alice Simon Register.