

1107

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

MARGARET E. SMITHERMAN

Complainant

VS

MARDIS EUGENE SMITHERMAN

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Conter~~

~~and~~ **Answer and Waiver**

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 **MARGARET E. SMITHERMAN**

is forever divorced from the said

**MARDIS EUGENE SMITHERMAN**

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 **both parties**

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

It is further ordered that **MARDIS EUGENE SMITHERMAN**

the **Respondent** pay the cost herein to be taxed, for which execution may issue.

This **29th** day of **May**, 19**44**.

*J. M. 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 **May**, 19 **44**

Register of Circuit Court, in Equity.

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

**The State Of Alabama**

Baldwin County

In Circuit Court, In Equity

**MARGARET E. SMITHERMAN**

vs. Complainant.

**MARDIS EUGENE SMITHERMAN**

Respondent.

**DIVORCE DECREE**

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

Comes MARGARET E. SMITHERMAN, and by this her Bill of Complaint, presented against MARDIS EUGENE SMITHERMAN, respectfully shows:

FIRST: That Complainant is sixteen years of age and Defendant over the age of twenty-one years and both are and have been for more than three years residents of Baldwin County, Alabama though he, at present, is in military service.

SECOND: That Complainant and Defendant were married in Mobile, Alabama on June 22nd, 1943, but lived together as man and wife only three weeks when she left him and returned to live with her parents in Fairhope.

THIRD: That since said marriage the Defendant has been guilty of acts of adultery but at times and places and with parties personally unknown to Complainant which acts she has in no way condoned.

THE PREMISES CONSIDERED, Complainant prays that upon hearing of this cause a Decree of Divorce be rendered forever divorcing her from the said Mardis Eugene Smitherman, granting her the right to marry again should she so desire, and such sum for her maintenance and support as will be proper according to Defendant's financial resources, the right to resume her maiden name and such other, further or different relief as to equity may seem meet.

Complainant further prays that Mardis Eugene Smitherman be made party Defendant to this cause, and required to answer this Bill within the time prescribed by Law, and abide by such orders and decrees as may be made in the premises.

*Elliot S. Rinkley*  
Solicitor for Complainant

MARGARET E. SMITHERMAN  
Complainant

Vs.

MARDIS EUGENE SMITHERMAN  
Respondent

E Q U I T Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

DEPOSITIONS OF

MARGARET E. SMITHERMAN and JAMES H. MORRIS

WITNESSES FOR COMPLAINANT

The said witnesses, being first duly sworn to tell the truth, upon examination by the Solicitor for the Complainant, testified as follows:

MARGARET E. SMITHERMAN

I am the Complainant in this cause. I am sixteen years of age and have been for more than three years a resident of Fairhope, Baldwin County, Alabama. On June 22nd, 1943, I married Mardis Eugene Smitherman whose residence is also in Baldwin County. We lived together as husband wife at Foley only three weeks when I left him because of his behavior and returned to my parents in Fairhope where I have since lived.

Shortly after my marriage I was reliably informed that my husband was unfaithful to me and, while I speak of the woman with whom he has committed adultery, I do not know for certain and hesitate to mention her name, nor do I know of my own knowledge of any specific acts of adultery. I am, however, reliably informed that he has been repeatedly guilty of this at times and places and with parties unknown to me since we were married and this I so charge.

Margaret E. Smitherman

JAMES H. MORRIS

I am well acquainted with Mardis Smitherman. Since July 1943, I have been with him on a number of occasions when he and I went out with girls. This was after he and his wife parted.

We would go with girls in Mobile. We, each with a girl, would go to a movie together and then get some hotel where we each would go with our girl to a room and stay there for an hour or so. I do not know of my personal knowledge of what they would do in them but knowing that the girls were "easy" I have a pretty good idea. This happened not once, but a number of times between July 1943 and the early part of this year. I have no hesitation in saying that Smitherman has repeatedly committed adultery since he and his wife parted, but do not recall exact dates or the locations in Mobile.

James H. Morris

I, Mary F. Thomson, acting as Commissioner by agreement of parties hereby certify that in the case of MARGARET E. SMITHERMAN vs. MARDIS EUGENE SMITHERMAN, pending in the Equity side of the Circuit Court of Baldwin County, I caused MARGARET E. SMITHERMAN and JAMES H. MORRIS, witnesses for the Complainant, to appear before me at my office in the Bank Building, Fairhope, Alabama, where, after being duly sworn upon examination by the Solicitor for the Complainant, they testified as is above written and, their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither of counsel nor of kin to either party of the cause or in anywise interested in the result thereof.

In witness thereof, I hereto set my hand and seal as Commissioner this the 19th day of May, 1944.

*Mary F. Thomson*

Commissioner

MARGARET E. SMITHERMAN  
Complainant

E Q U I T Y

Vs.

IN THE CIRCUIT COURT OF

MARDIS EUGENE SMITHERMAN  
Respondent

BALDWIN COUNTY, ALABAMA

Comes MARDIS EUGENE SMITHERMAN, Respondent in the above styled cause, and for answer to the Bill of Complaint says he denies each and every allegation of same.

Respondent hereby waives notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of the time and place set for taking same and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

Mardis Eugene Smitherman  
Respondent

Before me the undersigned Notary personally appeared MARDIS EUGENE SMITHERMAN who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand this the 17th day of April, 1944.

Elliot S. Rinkley  
Notary Public, Baldwin County, Alabama

1107

MARGARET E. SMITHERMAN  
Complainant

Vs.

MARDIS EUGENE SMITHERMAN  
Respondent

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ANSWER AND WAIVER

*Proceedings No. 157/1944*  
*[Signature]*

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Margaret E Smitherman

VS.

Mardis Eugene Smitherman.

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,

and <sup>1</sup>estimony of Margaret Smitherman, and James H Morris

and in behalf of Defendant upon Answer & Waiver.

*R S Duck*  
R S Duck.

Register.

No. 1107

The State of Alabama,  
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Margaret E. Smitherman.

VS.

Mardis Eugene Smitherman.

NOTE OF TESTIMONY

Filed in Open Court this 20th

day of May, 1944



Register.