

(33341)

DIVORCE DECREE

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

ANNA BLACK, Complainant

vs.

LEWIS E. BLACK, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Waiver and Answer ^{taken in open Court} and Testimony ~~as presented by the parties~~, 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

ANNA BLACK is forever divorced from the said LEWIS E. BLACK for and on account of

Habitual Drunkenness - IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That ANNA BLACK shall have custody, control and support of the child, SHIRLEY ANN BLACK, age five. However, the said LEWIS E. BLACK shall have the right at convenient times of access and visitation of the said child, such access and visitation to be exercised at such times as may be convenient and consented to by ANNA BLACK.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That LEWIS E. BLACK pay to ANNA BLACK the sum of not less than \$80.00 per month on the first day of each month from this date until September 1st, 1955, when the said SHIRLEY ANN BLACK is eligible for public school, after which time not less than \$100.00 per month shall be paid to the said ANNA BLACK. The \$100.00 shall be paid until said child reaches the age of twenty-one or previously marries.

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 LEWIS E. BLACK the Respondent pay the cost herein to be taxed, for which execution may issue.

This 17th day of December, 1954.

Robert 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____

Robert M. Hall
Register of Circuit Court, In Equity.

ANNA BLACK

vs.

LEWIS E. BLACK

THE STATE OF ALABAMA
Baldwin CountyIN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Oral Testimony of the Complainant, Anna Black and Mrs. Josephine Allen
and Agreement between the Parties

and in behalf of Defendant upon _____ Waiver and Answer

Miss J. M. Allen
Secretary

Levin J. - Allen
Register.

ANNA BLACK

VS.

LEWIS E. BLACK

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. IN EQUITY

ANNA BLACK, THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Q. Will you please state your name?

A. Anna Black.

Q. Are you the Complainant in the case of Anna Black vs. Lewis E. Black?

A. I am.

Q. Where do you live?

A. Lillian, Alabama.

Q. In Baldwin County?

A. Yes, sir.

Q. How long have you lived there?

A. Since 1940.

Q. Did you marry Lewis E. Black, the Respondent, on April 1, 1948?

A. Yes, sir.

Q. At Lucedale, Miss?

A. Yes, sir.

Q. And how many children were born to this marriage?

A. One.

Q. What is the child's name?

A. Shirley Ann Black.

Q. How old is she?

A. She will be six in January.

Q. Did your husband become addicted to habitual drunkenness after your marriage?

A. Yes, sir.

Q. When you married your husband in 1946, was he a drunkard?

A. No. He took a drink now and then but not excessively.

Q. What has happened since that time?

A. Well he got to drinking more and more and more until it was not very long until he wouldn't quit.

Q. When was the last time that you saw your husband?

A. In August of 1954.

Q. Is he in the Navy?

A. Yes, sir.

Q. How long did he stay home?

A. Five days.

Q. What happened during that time?

A. Well the first night he came in he said he was going to take the car back to Santiago, California and he went into Pensacola and got in jail and spent the night in jail and then he left the car here with me and asked me to keep it for fear he would wreck it.

Q. Each of the five days he was home in August of 1954 he was intoxicated?

A. That is right.

Q. When did you see him previous to that?

A. A Year ago in September.

Q. How long was he home then?

A. 12 days.

Q. What happened then?

A. The same thing; going up and down the highway and meeting old friends and getting drunk.

Q. Did he drink every day he was here?

A. Yes, sir.

Q. Did he drink to excess every day?

A. Yes, sir.

Q. Was he home any time before that?

A. He left here two years ago last May.

Q. And the week previous to the time he left was he drunk?

A. He didn't spend a sober day the whole time before he left.

Q. I believe you said one time that the navy had to come get him. Will you explain that?

A. Well he came home about 4:30 or 5:00 o'clock in the morning and he went to sleep and I started trying to get him up about 6 o'clock and he wouldn't get up and some of the boys that live down the road came by and I told them that I couldn't get him up and they went in and told the Chief and the Chief told them to pick him up and put him in the car and let him sleep it off and at 8:30 the Chief sent a replacement for him and about 8:30 they did get him up and so some one took the replacement and told him that if he was back at Corey Field at 9 o'clock it would be all right and he did get there and they turned him loose and he stayed drunk the rest of the day.

EXAMINATION BY THE COURT:

Q. Does he stay sober most of the time?

A. No, sir, drunk most of the time.

Q. He is drunk most of the time?

A. Yes, sir, he is half drunk when he goes to work and sobers up.

Q. The custom with him is to stay drunk, is that right?

A. That is right.

JOSEPHINE ALLEN, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Q. Is your name Josephine Allen?

A. Yes, sir.

Q. You are a daughter of Mrs. Black by a former marriage?

A. Yes, sir.

Q. Do you know Mr. Lewis E. Black?

A. Yes, sir.

Q. Did you see him last August when he was home?

A. I did.

Q. What condition was he in?

A. Well like she explained it; he was drunk all of the time; I came home the next morning and it was the night before that

he had been to jail and they had to go after his car and he didn't know where he had left it and they had to call the police to find where he had left it.

Q. Do you know of your own knowledge that he was drunk the whole five days he was home?

A. Yes, sir.

Q. Had you seen him previously?

A. All of the time since he was home. I would go over there and he would be sleeping off a drunk and wouldn't sit at the table with us.

Q. You say that he had a fixed habit of becoming intoxicated and staying that way most of the time?

A. Yes, sir.

Q. You have seen him on several occasions when he has been at home?

A. Yes, sir.

Q. Did you know him before your mother married him?

A. Yes, sir, for I would say about six months.

Q. Was he an habitual drunkard at that time?

A. No, sir.

Q. He would take a drink now and then?

A. Yes, sir.

Q. He could control the habit?

A. Yes, sir, more or less, and was a family man like he was supposed to be.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 4, both inclusive, correctly sets forth a true and correct transcript of the evidence as taken by me in open court in the above styled cause on the 17th day of December, 1954.

This 17th day of December, 1954.

Louise Dumberry
Court Reporter

FILED
DEC 17 1954

W. J. HUCK, Register

STATE OF ALABAMA,)
BALDWIN COUNTY.)

THIS AGREEMENT MADE AND ENTERED INTO BY AND BETWEEN ANNA BLACK, COMPLAINANT, AND LEWIS E. BLACK, RESPONDENT:

WITNESSETH:

Whereas, the parties hereto have been husband and wife for a period of six years, and as a result of such union have one child, SHIRLEY ANN BLACK, five years of age; and

Whereas, said parties have definitely concluded that under conditions now existing it is impracticable for them to live together as man and wife.

Now, therefore, in consideration thereof, and of the mutual agreements hereinafter made, they have mutually agreed to a complete separation under the following express terms and conditions:

1. That ANNA BLACK, complainant, shall have custody, control and support of the child, SHIRLEY ANN BLACK, age five. However, it is understood and agreed that the respondent shall have the right at convenient times of access and visitation of the said child, such access and visitation to be exercised at such times as may be convenient and consented to by the complainant.

2. The respondent hereby agrees to pay to the complainant the sum of not less than \$80.00 per month on the first day of each month from this date until September 1, 1955, when the said SHIRLEY ANN BLACK is eligible for Public School, after which time not less than \$100 per month shall be paid to the complainant. The said \$100 shall be paid until said child reaches the age of twenty-one or previously marries:

This agreement has been made and executed by the parties hereto on the 10th day of August, 1954, in good faith, with full understanding of all of its provisions, and with the mutual promise on the part of each to comply therewith faithfully and completely.

Anna Black
Anna Black

Lewis E. Black
Lewis E. Black

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, WILLIAM ECKMAN, a Notary Public in and for said County and State, do hereby certify that ANNA BLACK and LEWIS E. BLACK, whose names are signed to the foregoing Agreement, and who are known to me, acknowledged before me on this day that, being informed of the contents of the said Agreement, they executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this the 10th day of AUGUST, 1954.

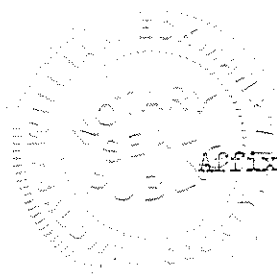
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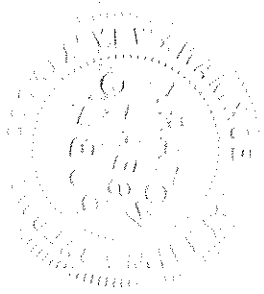
William Eckman
Notary Public

MY COMMISSION EXPIRES 1/15/55

Affix seal: Alice J. Cook, Clerk



MD3334



FILED
AUG 24 1954
ALICE J. DUCK, Clerk

STATE OF ALABAMA,)
BALDWIN COUNTY.)

WAIVER AND ANSWER

ANNA BLACK
Complainant.

VS:

LEWIS E. BLACK
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the respondent in the above-styled cause and accepts service of a bill of complaint heretofore filed in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause and consents that the same may be taken and the cause submitted for final decree.

And for answer to the bill of complaint heretofore filed in this cause, respondent says:

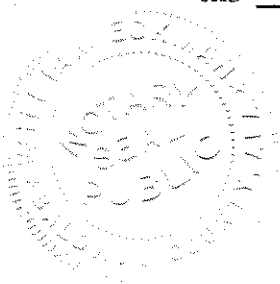
1. He admits the allegations contained in paragraph one of said bill of complaint.
2. He admits the allegations contained in paragraph two of said bill of complaint.
3. He denies each and ever allegation contained in paragraph three of said bill of complaint and demands strict proof thereof.

Lewis E. Black
Respondent.

State of Alabama,)
County of BALDWIN.)

I, WILLIAM ECKMAN, a Notary Public in and for said County and State, do hereby certify that LEWIS E. BLACK, whose name is signed to the foregoing answer and Waiver, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said Answer and Waiver, he executed the same voluntarily on the 10TH day of AUGUST, 1954.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this the 10TH day of AUGUST, 1954.



FILED

8-24-54

ALICE I. BUCK, Clerk

William Eckman
Notary Public

MY COMMISSION EXPIRES 1/15/55

STATE OF ALABAMA,)
)
 BALDWIN COUNTY.)

Bill of Complaint

ANNAM BLACK
 Complainant.)
)
 VS:)
)
 LEWIS E. BLACK
 Respondent.)

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY

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

Your complainant ANNAM BLACK, respectfully represents and shows unto
 your Honor:

1. That complainant is over the age of twenty-one years and is a resident citizen of said State and County, and has been a bona fide resident citizen of said State for more than five years next preceding the filing of this bill of complaint; that LEWIS E. BLACK is over the age of twenty-one years and is in the Armed Services, stationed overseas.
2. That your complainant and respondent were lawfully married on or about, to-wit, April 1, 1948, at Lucedale, Mississippi.
3. Your complainant further avers and alleges that the said respondent has, since her said marriage with him, become addicted to habitual drunkenness, and that said habit has continued to the filing of this bill.
4. That there has been born to the said marriage one child, Shirley Ann Black, age 5. The parties have mutually agreed as to the custody and support of said child as shown in the attached exhibit. The complainant avers that this is a reasonable, just and proper agreement and prays the court that in the event a decree of divorce is given in this cause that the court will decree that the parties keep and abide by the terms of said agreement.

The premises considered, your complainant makes the said LEWIS E. BLACK a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said LEWIS E. BLACK, commanding him to answer, plead or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent, granting the complainant the right to remarry, and that your Honor will grant such other, further and different relief as unto your Honor may seem just and your complainant will ever pray, etc.

FILED

8-24-54

ALICE J. BUCK, Clerk

Anna Black
 Complainant

W. G. Oliver
 Solicitor for Complainant