

1228

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

LOLA L. ALLDAY

Complainant

VS.

S. T. ALLDAY

Respondent

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

on 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 LOLA L. ALLDAY

is forever divorced from the said S. T. ALLDAY

for and on account of cruelty

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 S. T. ALLDAY the Respondent pay the cost herein to be taxed, for which execution may issue.

This 17th day of December, 1944

R. M. Hare
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 December, 1944

Register of Circuit Court, in Equity

No. 1223

Page

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

LOLA L. ALLDAY

vs. Complainant

S. T. ALLDAY

Respondent

DIVORCE DECREE

Filed this _____ day of _____

194

Register

LOLA ALLDAY
Complainant

vs

S. T. ALLDAY
Respondent

E Q U I T Y

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

DEPOSITION OF LOLA ALLDAY

WITNESS FOR COMPLAINANT

Said witness having been first duly sworn testified as follows:

LOLA ALLDAY

I am the Complainant in this case; I am over the age of twenty-one years and a lifelong resident of Baldwin County. My husband, who is also over the age of twenty-one years, and I were married about twelve years ago in Baldwin County and lived together in this County up to about two years ago when he commenced mistreating me. During this period, four children were born to us, Bennett, a son now 11 years old, Hazel 9, Marie 7 and Allie Mae 2. On a number of occasions my husband has beaten me so cruelly that my body would be livid with bruises. His behavior became so violent that I finally left him and went to live with my parents. My husband then took the four children and turned them over to the care of his brother's wife at Leroy, Alabama. He now lives at St. Stephens, Alabama and works at the Gulf Shipbuilding Co. in Chickasaw. I do not dare to return to my husband because of his cruelty and the many beatings he has given me.

Lola Allday

CERTIFICATE

The undersigned, acting as commissioner by agreement of the parties hereby certify that in the case of LOLA ALLDAY vs S. T. ALLDAY, pending on the Equity side of the Circuit Court of Baldwin County, I caused LOLA ALLDAY, witness for Complainant, to appear before me, where after being duly sworn she testified as is above written, and her testimony after being reduced to writing, was read over and signed by her.

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

IN WITNESS WHEREOF, I hereto set my hand and seal as commissioner this the 5th day of December, 1944.

Joseph Rose
Commissioner.

The undersigned, the Commissioner aforesaid, further certify that on the afternoon of December 5th, 1944 there appeared before me Mrs Emma Langford, who, being sworn deposed as a witness for Complainant in the foregoing cause as follows:

EMMA LANGFORD.

I am the mother of the Complainant and live about three miles from where my daughter and her husband lived when they were together. I knew that they were not getting on well together and that he was cruel to her but I did not see him hit her though she would tell me about this and show me her body with livid bruises on it. She would come to my house after he had mistreated her and tell me how cruel he was to her. I told my husband of this and he got after Allday who promised to do better. He did not however but told Lola that it did not make any difference what he told her father, that if she did not do exactly as he told her he would beat her again. He did beat her after this and she came back home and has been living apart from her husband ever since. She is very properly afraid of her husband and has a right to be from the way her body showed the blows he has given her.

Mrs. Emma Langford

The undersigned Commissioner further certifies that Mrs Emma Langford, known by him to be a witness for Complainant after being sworn, testified as is above set forth, that her testimony, after being reduced to writing was read over and signed by her in my presence and that I am not of counsel or of kin to either party to the cause or interested in the result thereof.

Witness my hand and seal as Commissioner this the fifth day of December, 1944.

Joseph Rose
Commissioner.

(SEAL)

№ 1123

LOLA ALLDAY, Complainant,

vs

S.T. ALLDAY, Respondent.
Deposition of Lola Allday,
Witness for Complainant.

Mrs Robert S. Duck,

Register Circuit Court,

Bay Minette,

Alabama.



LOLA ALLDAY
Complainant

E Q U I T Y

vs

IN THE CIRCUIT COURT OF

S. T. ALLDAY
Respondent.

BALDWIN COUNTY, ALABAMA

Comes S. T. ALLDAY, Respondent in the above styled cause, and his 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.


Respondent

Before me the undersigned Notary personally appeared S. T. ALLDAY who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 18th day of November, 1944.


Notary Public, Baldwin County, Alabama

1252

LOLA ALLDAY,
Complainant,

vs

S.T. ALLDAY,
Respondent.

- - - -

ANSWER & WAIVER.

* * *

Received
2/21/94
[Signature]

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

Comes LOLA L. ALLDAY, and by this her Bill of Complaint, presented against S. T. ALLDAY, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years; that Complainant is now and has been for more than five years a bona fide resident of Baldwin County, Alabama; that Defendant is now domiciled in Mobile County where he is employed in a shipyard.

SECOND: That Complainant and Defendant were married in Baldwin County about twelve years prior to this date, but have not lived together since November 1, 1943.

THIRD: That Complainant and Defendant lived together in Baldwin County, Alabama, up to about two years prior to this date during this time four children were born to them, Bennett, a son, 11 years old; Hazel, 9 years old; Marie, 7 years old and Allie Mae, 2 years old, which children were taken from her by her husband and are now with Defendant's brother in Leroy, Washington County, Alabama.

That for several years prior to their separation Defendant treated Complainant with great cruelty on a number of occasions, beating her savagely so that at times her body would be livid with bruises. That his behavior became so violent that she was compelled to leave him and return to her parents, whereupon, Defendant took the four children and turned them over to the care of a brother and sister-in-law.

FOURTH: That because of Defendant's cruel treatment endangering her health and life, she has made no claim on Defendant for support, nor was she until recently able to support her children. Complainant is now actively and profitably engaged in a defense plant and in a position to contribute materially to the care and support of said children whose custody she prays.

THE PREMISES CONSIDERED, Complainant prays that S. T. Allday be made party defendant to this cause and by proper process

required to answer this Bill within the time prescribed by Law.

Complainant further prays that upon the hearing of this cause an order of reference be made directing the Register of this Court to ascertain proper amounts to be allowed Complainant for the payment of her solicitor in the prosecution of this cause and for her maintenance and support during the pendency thereof, also what sum would be right and proper for the maintenance and support for the children of the marriage should same be awarded to her.

She further prays that upon the finding of the Register an order be made awarding her a proper sum for counsel fees and alimony pendente lite; and that upon final hearing a decree be rendered forever divorcing her from the said S. T. Allday; granting her the right to marry again should she so desire, the custody of the children of the marriage and ordering the payment of a suitable sum from the estate of the Defendant for the maintenance and support of said children, together with such other, further or different relief as to equity may seem meet.

Elliot B. Rinsley
Solicitor for Complainant.

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

Comes LOLA L. ALLDAY, and by this her Bill of Complaint, presented against S. T. ALLDAY, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years; that Complainant is now and has been for more than five years a bona fide resident of Baldwin County, Alabama; that Defendant is now domiciled in Mobile County where he is employed in a shipyard..

SECOND: That Complainant and Defendant were married in Baldwin County about twelve years prior to this date, but have not lived together since November 1, 1943.

THIRD: That Complainant and Defendant lived together in Baldwin County, Alabama, up to about two years prior to this date during this time four children were born to them, Bennett, a son, 11 years old; Hazel, 9 years old; Marie, 7 years old and Allie Mae, 3 years old, which children were taken from her by her husband and are now with Defendant's brother in Leroy, Washington County, Alabama.

That for several years prior to their separation Defendant treated Complainant with great cruelty on a number of occasions, beating her savagely so that at times her body would be livid with bruises. That his behavior became so violent that she was compelled to leave him and return to her parents, whereupon, Defendant took the four children and turned them over to the care of a brother and sister-in-law.

FOURTH: That because of Defendant's cruel treatment endangering her health and life, she has made no claim on Defendant for support, nor was she until recently able to support her children. Complainant is now actively and profitably engaged in a defense plant and in a position to contribute materially to the care and support of said children whose custody she prays.

THE PREMISES CONSIDERED, Complainant prays that S. T. Allday be made party defendant to this cause and by proper process

required to answer this Bill within the time prescribed by law.

Complainant further prays that upon the hearing of this cause an order of reference be made directing the Register of this Court to ascertain proper amounts to be allowed Complainant for the payment of her solicitor in the prosecution of this cause and for her maintenance and support during the pendency thereof, also what sum would be right and proper for the maintenance and support for the children of the marriage should same be awarded to her.

She further prays that upon the finding of the Register an order be made awarding her a proper sum for counsel fees and alimony pendente lite; and that upon final hearing a decree be rendered forever divorcing her from the said S. T. Allday; granting her the right to marry again should she so desire, the custody of the children of the marriage and ordering the payment of a suitable sum from the estate of the Defendant for the maintenance and support of said children, together with such other, further or different relief as to equity may seem meet.

Elliott S. Rickaby
Solicitor for Complainant.

Handwritten signature/initials

LOLA H. ALLDAY

 VS.
 S. T. ALLDAY

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

and in behalf of Defendant upon _____

R.S. Luck Register.

No. 1223

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

LOLA L. ALLDAY

VS.

S. T. ALLDAY

NOTE OF TESTIMONY

Filed in Open Court this _____

day of _____ 194_____

Register.