

2259

STATE OF ALABAMA §
BALDWIN COUNTY §

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon LOVIE MAE BYRD, 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 JAMES EDWARD BYRD, as Complainant and against LOVIE MAE BYRD, as Respondent.

WITNESS my hand this 29th day of March, 1949.

W. J. Duck
Register

JAMES EDWARD BYRD	§	IN THE CIRCUIT COURT OF
COMPLAINANT	§	BALDWIN COUNTY, ALABAMA
VS.	§	IN EQUITY
LOVIE MAE BYRD	§	
RESPONDENT	§	

TO HON. TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Your Complainant JAMES EDWARD BYRD, 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 at Bay Minette, in Baldwin County, Alabama, on May 3, 1947, and lived together as husband and wife, until September 26, 1947.

3.

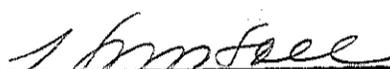
That on September 26, 1947, the Respondent voluntarily abandoned the bed and board of your Complainant, and has remained away voluntarily and continuously since that time.

4.

That the Complainant and the Respondent have no children.

WHEREFORE the premises considered your Complainant prays that your honor will by proper process make the said Lovie Mae Byrd 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.

Complainant further prays that upon a final hearing hereof your Honor will make and enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that he be granted such other, further, different or general relief as he may be in equity and good conscience entitled to receive.


Solicitor for Complainant

Filed 3-29-49
Miss Fouch
Miss Fouch

SUMMONS AND COMPLAINT

RESPONDENT

LOUIE MAE BYRD

VS.

COMPLAINANT

JAMES EDWARD BYRD

702259

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Circuit Court

TO: LOUISE MORRIS

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do auth orize you, at such time and place as you may appoint, to call before you and examine JAMES EDWARD BYRD

as witnesses in behalf of JAMES EDWARD BYRD in a cause pending in our Circuit Court in Baldwin County, of said State, wherein JAMES EDWARD BYRD

and LOVIE MAE BYRD, Complainant

Respondent

on oath, to be by you administered, upon JAMES EDWARD BYRD to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 29th day of March, 1948

Alvin J. Smith

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 2259

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

JAMES EDWARD BYRD

Complainant

VS.

LOVIE MAE BYRD

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

LOUISE MORRIS

WITNESSES:

JAMES E. BYRD
COMPLAINANT
VS
LOVIE MAE BYRD
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, residences and marriage, but denies all other allegations containing in the bill of complaint, and demand 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 notice.

Lovie Mae Byrd

STATE OF ALABAMA
BALDWIN COUNTY

I, J. M. Steele A Notary Public, in and for said County, in said State, hereby certify that Lovie Mae Byrd, 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.

1946

Given under my hand and seal on this the 10th day of December

J. M. Steele
Notary Public, Baldwin County, Alabama.

700

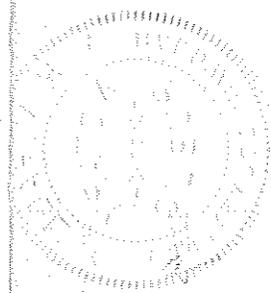
2259

Answer.

Filed 3-29-49

Deice (reuch)

Register



THE STATE OF ALABAMA }
Baldwin County }

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

JAMES EDWARD BYRD COMPLAINANT

vs.

LOVIE MAE BYRD RESPONDENT

I, Louise Morris

as Register and Commissioner

have called and caused to come before me James Edward Byrd

witness named in the requirement for Oral Examination, on the 28 day of March

1949, at the office of H. M. Hall

in Baldwin County, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said James Edward Byrd

doth depose and say as follows:

My name is James Edward Byrd. I am over twenty-one years of age, and a bona fide resident of Baldwin County, Alabama, and have been all my life.

The Respondent Lovie Mae Byrd, is over eighteen years of age, and a bona fide resident of Baldwin County, Alabama, and has been all her life.

The Respondent and I married at Bay Minette, Alabama, on May 3rd, 1947. We lived together as husband and wife until on to-wit: September 25, 1947, when the Respondent voluntarily abandoned my bed and board.

The Respondent has voluntarily lived separate and apart from me since on to-wit, September 25, 1947.

We have no children and no community property.

James Edward Byrd

ORAL EXAMINATION

I, Louise Morris 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 and read over to her and she signed the same in the presence of myself and H. M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness; 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 28 day of March 1949.

Louise Morris (L. S.)

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

JAMES EDWARD BYRD

COMPLAINANT

vs.

LOVIE MAE BYRD

RESPONDENT

ORAL DEPOSITION

Filed 3-29, 1949

_____, Register.

RECORDED IN

_____ Record

Vol. _____ Page _____

_____, Register

JAMES EDWARD BYRD

vs.

LOVIE MAE BYRD

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 and waiver of Respondent and testimony of Complainent.

and in behalf of Defendant upon _____

H. M. Hall

W. J. Luck
 Register.

No. 2759

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

JAMES EDWARD BYRD

vs.

LOVIE MAE BYRD

NOTE OF TESTIMONY

Filed in Open Court this 29th

day of March, 1949

Archie J. Hench
Register.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JAMES EDWARD BYRD, Complainant

vs.

LOVIE MAE BYRD, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Consa~~ 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 JAMES EDWARD BYRD is forever divorced from the said LOVIE MAE BYRD for and on account of

Voluntary 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 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 JAMES EDWARD BYRD the Complainant pay the cost herein to be taxed, for which execution may issue.

This 30th day of March, 1949

J. Fair J. Mashburn, Jr. 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. 2259 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

JAMES EDWARD BYRD

Complainant

vs.

LOVIE MAE BYRD

Respondent

DIVORCE DECREE

*Filed 3-30-49
Alice J. ...
Clerk*