

2549

IRENE MERRITT
Complainant

VS.

RICHARD T. MERRITT
Respondent

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

To the Honorable Telfair J. Mashburn Jr., Judge of the Circuit Court,
sitting in Equity:

Your Complainant, Irene Merritt, respectfully represents and
shows unto your Honor:

1. That the complainant is over the age of twenty-one years of
age and is a resident of said State and County, and has been a bona-
fide resident of the State of Alabama for more than two years next
preceding the filing of this bill of complaint; that Richard T. Merr-
itt is over the age of twenty-one and is a resident of said State
and County.

2. That your complainant and respondent were lawfully married
on or about to-wit, 27th day of June, 1931, at Castleberry, Alabama
and as a results of this union have five children, James Merritt 18
years of age, Floyd Merritt, 16 years of age, Eddlee Merritt, 14 years
of age, Luther Merritt, 12 years of age, and Cecil Merritt, 8 years
of age.

3. Your complainant avers and charges that the said respondent
did on or about the 16th day of September, 1950, and many times sub-
sequent thereto assault, beat, hit and strike the complainant: that
the said respondent has committed actual violence on her person attend-
ed with danger to her health or life; complainant avers and charges
that the respondent has made numerous threats of doing her physical
harm and from his manner and conduct toward her, she is reasonably
convinced that he will commit an actual violence upon her person
attende^d/with danger to her life or health.

4. Your complainant further avers and alleges that the said res-
pondent has, since her said marriage with him, become addicted to
habitual drunkenness, and that said habit has continued to the fil-
ing of this bill.

The premises considered, your complainant makes the said Richard
T. Merritt a party respondent to this bill of complaint, and in order
that the complainant may have the relief herin prayed for, may it
please your Honor to cause the State's writ of subpoena to be issued

directed to the said Richard T. Merritt, 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 the said respondent, granting the complainant the right to remarry, granting the complainant control and custody of the minor children and twenty dollars a week for their support and maintenance, and that your Honor will grant such other, further and different relief as unto your Honor may seem just and proper, and your complainant will ever pray.

Arthur C. Epperson

Solicitor for Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

IRENE MERRITT, et al
Complainant

VS.

RICHARD T. MERRITT
Respondent

BILL OF COMPLAINT

FILED

SEP 19 1950

ALICE J. BUCK, Register

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALABAMA

*Executed this the
19th day of September
1950 - by Serving a
Copy on the Defendant
Richard T. Merritt
Taylor Wilkins Smith
By - H. G. Taylor D. G.*

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2549

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon Richard T. Merritt

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Richard T. Merritt, Defendant

by Irene Merritt

Plaintiff

Witness my hand this 19th day of September 1949

Richard T. Merritt Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

_____ Plaintiffs

vs.

_____ Defendants

SUMMONS and COMPLAINT

Filed _____, 19.....

_____, Clerk

2519

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

_____, 19.....

_____, Sheriff

I have executed this summons

this _____, 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Faye C. Carter, Complainant

vs.

Charles H. Carter, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer and Waiver~~ 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 Faye C. Carter is forever divorced from the said Charles H. Carter for and on account of

Voluntary abandonment

It is further ordered, adjudged and decreed that Complainant may resume the use of her maiden name, Faye Countryman;

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

This 5th day of October, 1950.

J. 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.

RECORDED

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

OCT 5 1950

ALICE J. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Mrs. Frances G. Crawford

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Faye C. Carter and Lynda Hunter

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein
FAYE C. CARTER

and CHARLES H. CARTER, Complainant

Respondent

on oath, to be by you administered, upon them to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 25th day of September, 1950

[Signature]
Register.

Commissioner's Fee, \$ NONE

Witness' Fees, \$ NONE

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Faye C. Carter

Complainant—

vs.

Charles H. Carter

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

Faye C. Carter
Charles H. Carter

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Faye C. Carter

Complainant

VS.

Charles H. Carter

Respondent

I, Frances G. Crawford

as Register and Commissioner

have called and caused to come before me Faye C. Carter and Lynda Hunter

witnesses named in the Requirement for Oral Examination, on the 27 day of SEPTEMBER 1950, at the office of E. A. Crager, attorney, in Fairhope, Alabama, and having first sworn said Witnesses to speak the truth, the whole truth, and nothing but the truth, the said Faye C. Carter

doth depose and say as follows:

Charles and I were married on October 14th 1948 at Lucedale, Mississippi. We are both 22 years old, now. I have lived in Fairhope, Baldwin County, Alabama, for ten (10) years. Charles was in the Marine Corps when we were married and we had known each other only a few weeks at the time of our marriage. We stayed in Fairhope as husband and wife till May 29th 1949, during which time, he went back to his base at Cherry Point, North Carolina and then returned here. On May 29th 1949, he left here and, the next thing I knew I received a letter from him that he did not intend to come back to me and that he did not want me to go to him. He said that he considered our marriage a "spur of the moment" affair. He has not come back to me nor have we lived together at any time since May 29th 1949. We have no children nor any property. If I am granted a divorce, I would like the right to resume the use of my maiden name, Faye Countryman.

Faye C. Carter

And the said Lynda Hunter doth depose and say as follows:

I am Faye's sister and have lived in Fairhope about ten years. I know that Charles and Faye have not lived together since May of 1949 and that she has continued to live in Fairhope, Alabama, during that time. I know that he wrote her that he had no intention of living with her again. My name is Lynda Hunter and I am 26 years old.

Lynda Hunter

ORAL EXAMINATION.

I, Frances G. Crawford, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself _____

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es ~~as had been 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 27 day of SEPTEMBER, 1950 194

Frances G. Crawford (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Faye G. Carter

vs. Complainant

Charles H. Carter

Respondent.

Oral Deposition

Filed 10-4, 1950

W. J. Hester, Register.

Recorded in _____

Record

Vol. _____ Page _____

Register.

Faye C. Carter
Complainant
vs.
Charles H. Carter
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No.

DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from
Bay Minette, in the County of Baldwin
Alabama, the place of trial of said cause, to-wit:

Faye C. Carter

Lynda Hunter

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.


Solicitor for Complainant

NOTE:

Complainant suggests the name of Mrs. Frances G. Crawford
as a suitable and competent person to act as commissioner upon the examination of said witnesses.


Solicitor for Complainant

DEMAND FOR ORAL EXAMINATION

Complainant

vs.

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN REPLY

Filed this _____ day of
FILED

194____ SEP 25 1950

ALICE J. DUCK, Register

Register

Moore Printing Co.

Handwritten signature and initials

Faye C. Carter
Complainant

Circuit Court

Baldwin County

vs

Alabama

Charles H. Carter
Respondent

En Equity

To The Honorable Telfair J. Mashburn, Jr., Judge of said Court,
sitting in Equity:

Comes Faye C. Carter and exhibits this her Bill of Complaint against
Charles H. Carter and shows unto Your Honor as follows:

First: Complainant, whose age is 22 years, and Respon-
dent, whose age is 22 years, intermarried October 14th 1948 at Luce-
dale, Mississippi.

Second: Complainant has been a resident of Fairhope,
Baldwin County, Alabama, for ten years or more and continues to be
a resident thereof.

Third: On May 29th 1949, Respondent did voluntarily
abandon Complainant and has continued said abandonment ever since
with total neglect of the marital covenant on his part to be per-
formed.

The premises considered, Complainant prays that said Charles H. Carter
be, by appropriate legal process, made party Defendant to this action,
that he be compelled to answer, plead or demur to the within Complaint
within the time prescribed by law and that he be compelled to abide and
obey all orders and decrees made in the premises.

Complainant prays, upon a hearing of the within cause, that a decree be
granted forever divorcing her from said Charles H. Carter and granting
her such other, further and different relief as, to Your Honor, may seem
meet and proper.


Solicitor for Complainant

Faye C. Carter

vs.

Charles H. Carter

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Plaintiff upon the original Bill of Complaint,
Testimony of Faye C. Carter and Lynda Hunter

and in behalf of Defendant upon Answer and Waiver

E. A. Cramer

Alice J. Duck
Register.

RECORDED

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Faye C. Carter

vs.

Charles H. Carter

NOTE OF TESTIMONY

Filed in Open Court this 4th

day of Oct, 1945.

Amie J. Duck
Register.

Faye C. Carter
Complainant

Circuit Court

vs

Baldwin County

Charles H. Carter
Respondent

Alabama

In Equity

Comes Charles H. Carter, Respondent in the above titled cause, and, for answer to the Bill of Complaint therein, says that he denies each and every allegation therein contained.

Respondent hereby waives the right to demand for oral testimony, the right to cross examine Complainants' witnesses or to introduce evidence in his own behalf and agrees that this cause may be submitted for final decree, without further notice to him, upon Complainants' pleadings and evidence as noted by the Register.

Charles H. Carter

Charles H. Carter

State of North Carolina

County of Craven

Before me, *Rachel B. Hancock*, a Notary Public in and for said County and State, personally appeared Charles H. Carter, known to me, and he acknowledged that he executed the foregoing answer and waiver VOLUNTARILY with full knowledge of the contents thereof.

Given under my hand and official seal this 21 day of September 1950.

(Notarial)
(Seal)

Rachel B. Hancock

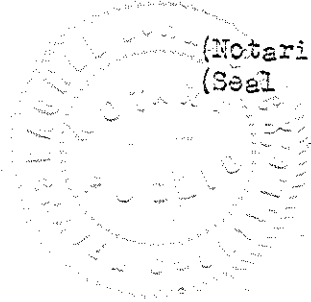
Notary Public

My commission expires July 17, 1952

RECORDED

RECORDED

RECORDED



2552

RECORDED

Faye C. Carter

MS

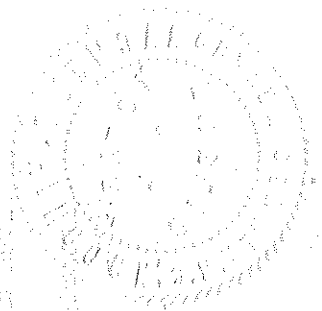
Charles H. Carter

ANSWER and WAIVER

FILED

SEP 25 1950

ALICE J. DUCK, Register



Handwritten signature or initials in the center of the page.

Vertical handwritten notes on the right side of the page.