

(3585)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

IDA SMITH, Complainant

vs.

CANNIE SMITH, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso, ~~on~~ ANSWER AND WAIVER OF DEFENDANT 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

IDA SMITH is forever divorced from the said CANNIE SMITH for and on account of

VOLUNTARY ABANDONMENT

It is further ordered, adjudged and decreed that the complainant, Ida Smith, have the care and custody of the following minor children, namely: Claude Harold Smith, Clara Mae Smith, Dorothy Mae Smith and Annie Mae Smith;

It is further ordered, adjudged and decreed that the defendant pay to the complainant for her support and the support of the said minor children the sum of \$60.00 a month, payable semi-monthly \$30.00 on the 1st and 15th of each calendar month hereafter.

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 payment of the cost of this suit.

It is further ordered that Cannie Smith the defendant pay the cost herein to be taxed, for which executed may issue.

This 18 day of October, 1954

Hubert 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____

Register of Circuit Court, In Equity.

No. 3383 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

VS.

Respondent

DIVORCE DECREE

FILED

OCT 18 1954

AUDIE L. DUCK, REGISTRAR

The State of Alabama, {
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Ida Smith

Complainant

VS.

Cannie Smith

Respondent

I, Madeline S. Bryars

as ~~Register and~~ Commissioner

have called and caused to come before me Ida Smith and D. O. Fowler

witnesses named in the Requirement for Oral Examination, on the 25 day of October
1954, at the office of Beebe & Swearingen
in Bay Minette, Alabama, and having first sworn said Witness^{es} to speak the
truth, the whole truth, and nothing but the truth, the said Ida Smith and D. O. Fowler
doth depose and say as follows:

My name is Ida Smith. I am the wife of Cannie Smith, defendant in that suit pending in the Circuit Court of Baldwin County in Equity, for divorce. We were married 30 years ago last May in Escambia County, Alabama. We moved to Baldwin County about eleven years ago and have lived in Baldwin County continuously since then near Stapleton. The defendant and I have eleven children, four of whom are minors, all the others being over 21 years of age. The minors, Claude Harold Smith, 14, Clara Mae Smith, 12, Dorothy Mae Smith, 10, Annie Mae Smith, 8, each reside with me and are in my custody at Stapleton. The defendant, Cannie Smith, voluntarily abandoned me without just cause or reasonable excuse more than 12 months ago in the month of September, 1953, and we have not lived together as husband and wife since. He has contributed to my support and the support of the children in the sum of \$60.00 a month, \$30.00 every two weeks, by order of the Circuit Court of Baldwin County, Alabama, under complainant's petition against him for non-support, being case no. 3201. Cannie Smith is now temporarily working in Kingston, Tenn. and this money has been sent to me through the Circuit Court of Roane County. Cannie Smith is working as a brick mason's helper and is earning approximately \$1.10 an hour.

Ida Smith

My name is D. O. Fowler. I am over the age of twenty-one years and a resident of Baldwin County, Alabama. I know Ida Smith and Cannie Smith and have known them for more than ten years. They have lived in my house in Stapleton about 10 years. More than twelve months ago, in the month of September, 1953, Cannie Smith voluntarily abandoned Mrs. Smith and their minor children in Stapleton, Alabama. They have not lived together as husband and wife since.

D. O. Fowler

ORAL EXAMINATION

I, Madeline S. Bryans, as ~~Register~~ and Commissioner hereby certify that the foregoing deposition S. on Oral Examination was taken down by me in writing in the words of the witnesses S. and read over to them and they signed the same in the presence of myself and W. C. Beebe

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses S. or had proom made before me of the identity of said witness S.; 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 18 day of October, 1954

Madeline S. Bryans (L. S.)

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The State of Alabama	
Baldwin County.	
In Circuit Court, In Equity	
<u>Ida Smith</u>	vs. <u>Complainant</u>
<u>Cannie Smith</u>	
Respondent	
Oral Deposition	
Filed <u>FILED</u> <u>18</u> <u>1954</u> , 19 <u>54</u>	
<u>Alfred J. Baker</u> , Register	
Recorded in _____	
Record _____	
Vpl. _____	Page _____
, Register	

Ida Smith

Complainant

vs.

Cannie Smith

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: Ida Smith and D. O. Fowler

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

Beebe & Swearingen

by

F. D. Swearingen
Solicitor for Complainant

NOTE:

Complainant suggests the name of Madeline S. Bryars
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Beebe & Swearingen

by

F. D. Swearingen
Solicitor for Complainant.

3383

DEMAND FOR ORAL EXAMINATION

Ida Smith

Complainant

vs.

Cannie Smith

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed this

FILED

day of

OCT 18 1954

194---

ALICE J. ROCK, Register

Register

Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County.

TO: Madeline S. Bryars

Witness' Fees, \$_____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Ida Smith

Complainant—

vs.

Cannie Smith

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

IDA SMITH,
COMPLAINANT

VS

CANNIE SMITH

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Testimony having been taken in this cause and the same being ready for final decree, motion is hereby made that the said cause be set down for final decree, this the 18 day of October, 1954.

FILED

10-18-54

ALICE L. DUCK, Clerk

BEEBE & SWEARINGEN

BY J. B. Swearingen
Solicitors for complainant

IDA SMITH,
COMPLAINANT
VS
CANNIE SMITH
DEFENDANT

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

It is agreed between the parties in the above styled cause that in the event decree of divorce is granted, the court shall award custody of the minor children of the parties to the complainant, Ida Smith, and that the court allow, order and decree that the defendant, Cannie Smith, pay to the complainant for the support of herself, and the said minor children the sum of \$60.00 a month, payable \$30.00 semi-monthly on the first and fifteenth of each calendar month.

Witness our hands this the 18 day of October, 1954.

FILED

10-18-54

ALICE L. GIBSON, CLERK

Cannie Smith

Ida Smith

IDA SMITH,)	IN THE CIRCUIT COURT OF
COMPLAINANT	(
VS)	BALDWIN COUNTY, ALABAMA,
CANNIE SMITH)	
DEFENDANT)	IN EQUITY

Comes, Cannie Smith, defendant in the above styled cause and answering complainant's complaint and every allegation therein made, says the same are untrue, and he demands strict proof thereof.

Defendant waives notice of the application to take testimony, notice of the time and place of taking testimony, the right to cross examine, and notice of the submission of the cause for final decree, and agrees and consents the said cause be submitted for final decree upon motion of complainant or his solicitor of record.

Witness my hand this the 18 day of October, 1954.

Cannie Smith
Defendant

Witness:

Madeline S. Byars

FILED

10-18-54

ALICE J. BUCK, Clerk

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU, that you summon Cannie Smith, to be and appear before the Judge of Probate of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction, within thirty days after the service of summons, and there to answer, plead or demur, without oath, to a bill of complaint lately exhibited by Ida Smith against the said Cannie Smith, and further to do and perform what said Judge shall order and direct in that behalf, and this the defendant shall in no wise omit, under penalty of the law; and we further command that you return this writ with your endorsement thereof, to our said court immediately upon the execution thereof.

WITNESS, Alice J. Duck, Register of said Circuit Court, this the 18 day of October, 1954.

Alice J. Duck
Register.

IDA SMITH,) IN THE CIRCUIT COURT OF
COMPLAINANT)
VS) BALDWIN COUNTY, ALABAMA,
CANNIE SMITH)
DEFENDANT) IN EQUITY

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

And now comes your complainant, Ida Smith, and humbly complaining against Cannie Smith, defendant, respectfully shows unto your Honor:

First: That your complainant and the said Cannie Smith are each over the age of twenty-one years and are residents of Baldwin County, Alabama, where they have resided continuously for more than eleven years.

Second: That your complainant and the said Cannie Smith, are husband and wife, having intermarried in Escambia County, Alabama in May 1924, and they lived together as husband and wife until September, 1953, when the said Cannie Smith voluntarily abandoned this complainant without just cause and reasonable

excuse; that the said Cannie Smith and this complainant have not lived together for more than twelve months next preceding the filing of this bill of complaint;

Third: That there were born to this complainant and the defendant, eleven children, four of whom are under age, whose names and ages are as follows: Claude Harold Smith, 14 years of age, Clara Mae Smith, 12, years of age, Dorothy Mae Smith, 10 years of age, and Annie Mae Smith, 8 years of age; the said minor children are in the custody of your complainant at Stapleton, Alabama; that the defendant is not a suitable person to have care and custody of the said children; that the defendant is an able bodied man and is regularly employed and earns \$1.10 an hour and is able to make ample provision for the support of your complainant and the said minor children;

WHEREFORE your complainant prays that this Honorable Court will take jurisdiction of the cause made by this Bill of Complaint and make the said Cannie Smith party defendant hereto and by appropriate process require him to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court;

Complainant further prays that upon the final hearing of this cause this Honorable Court will make and enter a decree forever dissolving the bonds of matrimony existing between this complainant and the said defendant; and complainant further prays that this Honorable Court will make and enter an order and decree awarding to this complainant the care and custody of the minor children of the parties to this cause, namely: Claude Harold Smith, Clara Mae Smith, Dorothy Mae Smith and Annie Mae Smith, and that this Honorable Court ascertain, adjudge and decree a suitable alimony for complainant for the support of complainant and of the said minor children, and that the defendant be required to pay the same to this

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complainant at such time as this Honorable Court shall deem proper,
and complainant prays for such other, further or different relief
as in equity and good conscience she shall be entitled to receive
in the premises.

BEEBE & SWARINGEN

BY J. G. Swearingen
Solicitors for Complainant

FILED

10-18-54

ALICE J. BUCK, Clerk

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Ida Smith

vs.

Cennie Smith

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, _____
and testimony as noted by the Register: _____

and in behalf of Defendant upon answer and waiver _____

Beche & Swearingen
J. B. Swearingen
Clara J. Beche
Register.

No. 3383

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Tda Smith, Complainant

vs.

Cannie Smith, Defendant

NOTE OF TESTIMONY

Filed in Open Court this

day of FILED, 194

OCT 18 1954

ALICE J. DICK

Register.

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