

(4081)

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

THOMAS G. SMITH

, Complainant

vs.

ROSE MARY SMITH

, 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

Thomas G. Smith is forever divorced from the said Rose Mary Smith 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 payment of the cost of this suit.

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

This 11 day of July 1957

H. 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. 4041 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

JUL 11 1957

ALICE A. DUCK, Register

STATE OF ALABAMA, BALDWIN COUNTY

THOMAS G. SMITH,

Complainant,

vs.

ROSE MARY SMITH,

Respondent.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

To the Honorable Judge of the Circuit Court of Baldwin County,

Sitting in Equity:

Comes now the Complainant, THOMAS G. SMITH, humbly complaining of the Respondent, ROSE MARY SMITH, in a matter of divorce, and represents and shows unto your Honor as follows:

FIRST: That Complainant, Thomas G. Smith, and the Respondent, Rose Mary Smith, are each over the age of eighteen years. That Complainant is a resident of Baldwin County, Alabama, and has been a bona fide resident of said State for more than five years but at present is stationed with the Armed Forces at Fort Huachuca, Arizona; That Respondent resides at Sierra Vista, Arizona.

SECOND: That your Complainant and Respondent were married on September 26, 1956, at Edgefield, South Carolina.

THIRD: Your Complainant avers and charges that the Respondent has made numerous threats of doing him physical harm and from her manner and conduct toward him, he is reasonable convinced that she will commit an actual violence upon his person, attended with danger to his life and health; the last of such threats did occur on February 15, 1957, and as a result of said threats, Complainant and Respondent have not lived together since that time as husband and wife.

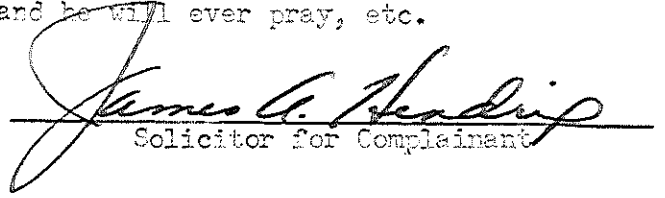
PRAYER FOR PROCESS

Wherefore the premises considered the Complainant prays that the said Rose Mary Smith be made party Respondent to this his Bill of Complaint and that a summons be issued and served upon her as required by law and the rules of this Honorable Court, and that she be required to plead, answer or demur to the within Bill of Complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR FINAL RELIEF

The premises considered the Complainant prays that on a final hearing of this cause Your Honor will make and enter a decree forever dissolving the bonds of matrimony heretofore existing between the Complainant and Respondent, and will grant to the Complainant a full and absolute divorce from the Respondent, and that in and by virtue of the said decree the Complainant will be granted the right to again contract marriage.

Complainant prays all other further or general relief to which he may be entitled, the premises considered and he will ever pray, etc.


Solicitor for Complainant

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times. Bay Minette, Alabama.

THOMAS G. SMITH

VS.

ROSE MARY 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, _____
Answer and waiver and the testimony of Thomas G. Smith, as set out in
the oral deposition.

and in behalf of Defendant upon _____

James G. Hendrix

Register

Register.

No. 2481

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

THOMAS C. SMITH

vs.

ROSE MARY SMITH

NOTE OF TESTIMONY

Filed in Open Court this

day of

FILED

, 194

JUL 11 1957

Register.

Printed by the Baldwin Times

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: RICHARD K PEARSON

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Thomas G. Smith & GEORGE C. Dunlap

a witnesses in behalf of Thomas G. Smith in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Thomas G. Smith is

_____, Complainant
and Rose Mary Smith is

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

Witness 1st day of April, 1957

Archie H. Hark
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 4081

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

THOMAS G. SMITH

Complainant

VS.

ROSE MARY SMITH

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

THOMAS G. SMITH

not having been previously sworn, the deposition of the defendant, Rose Mary Smith, is hereby taken and the same is filed for the record.

and the deposition of the defendant, Rose Mary Smith, is hereby taken and the same is filed for the record.

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THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

THOMAS G. SMITH

COMPLAINANT

vs.

ROSE MARY SMITH

RESPONDENT

I, _____

as Register and Commissioner

have called and caused to come before me _____ Thomas G. Smith and

*George C. Dunlap*witness as named in the requirement for Oral Examination, on the _____ day of April1957, at the office of _____in _____, Alabama, and having first sworn said witness as to speak the

truth, the whole truth, and nothing but the truth, the said _____ Thomas G. Smith and

George C. Dunlap

doth depose and say as follows:

My name is Thomas G. Smith. I am over eighteen years old and have lived in Baldwin County, Alabama, for more than the past five years, and at present is stationed with the Armed Forces at Fort Huachuca, Arizona. Rose Mary Smith is over eighteen years old and at present is living in Sierra Vista, Arizona. Rose Mary and I were married on the 26th day of September, 1956, at Edgefield, South Carolina. Rose Mary has made threats of doing me physical harm and from her manner and conduct toward me, I am convinced that should I continue to live with her, she would commit an actual violence on me which would endanger my life and health. The last of these threats occurred on the 15th day of February, 1957, and as a result thereof, we have not since that time lived together as husband and wife.

Thomas G. Smith
Thomas G. Smith

I have known Thomas G. Smith and Rose Mary Smith since they were married in September in 1956. They were married in Edgefield, South Carolina, in September of 1956; both of them are over eighteen years old. Thomas lived in Baldwin County, Alabama, where his home is, until he went into the service, Rose Mary lives in Sierra Vista, Arizona. They have never gotten along very well since they were married, it seemed that Rose Mary was dissatisfied and unhappy and she has made threats against Thomas on numerous occasions when we were out together, and I do not believe that they can safely continue to live together as husband and wife. Due to the aforesaid circumstances, they have not lived together as husband and wife since about February 15, 1957.

George C. Dunlap

I, Richard K. Pearson 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 es and read over to them and they signed the same in the presence of myself and _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; 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 1 day of Apr, 1957.

Richard K. Pearson (L. S.)

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THE STATE OF ALABAMA, BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY	
THOMAS G. SMITH	COMPLAINANT
vs. ROSE MARY SMITH	RESPONDENT
ORAL DEPOSITION	
Filed <u>JUL 11 1957</u>	19 <u>57</u>
ALICE J. DICK, Register RECORDED IN _____	
Vol. _____	Page _____
Record _____	Register, _____

THOMAS G. SMITH,
Complainant,
vs.
ROSE MARY SMITH,
Respondent.

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

ANSWER AND WAIVER

Comes now the Respondent, Rose Mary Smith, and for answer to the Bill of Complaint heretofore filed against her in said cause says as follows:

1. That she denies each and every allegation of the said Bill of Complaint and demands strict proof thereof.

And for further answer to said Bill of Complaint the Respondent hereby accepts service of a copy and notice of the filing of the said Complaint and hereby waives any further notice to him of the day set for hearing, the taking of testimony or the submission for final decree of the above styled cause and does here consent that the same may be submitted and testimony taken without further notice to her.

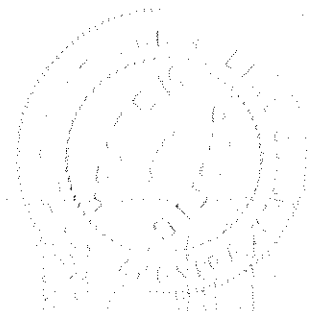
STATE OF ARIZONA)
COUNTY OF PIMA) ss.

Rose Mary Smith
Rose Mary Smith

Sworn to and subscribed before me
this 1st day of April, 1957.

Joseph H. Riley
Notary Public Pinal County,
My commission expires 1/11/58

4081



FILED

JUL 11 1957

ALICE J. DUCK, Register