

(4155)

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

DOROTHY MIMS SMITH

Complainant

vs.

AUBREY L. SMITH

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXXXXXXXXXXXXXXXX~~ Waiver and Answer 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 DOROTHY MIMS SMITH is forever divorced from the said AUBREY L. SMITH for and on account of

"CRUELTY"

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the complainant be, and she is hereby, authorized and empowered to resume the use of her former name, DOROTHY MIMS.

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 DOROTHY MIMS SMITH the Complainant pay the cost herein to be taxed, for which executed may issue.

This 19th day of September 19 57.

Robert 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. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

SEP 19 1957

ALICE J. DUCK, Register

DOROTHY MIMS SMITH

vs.

AUBREY L. 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,
Waiver and Answer and Testimony of Dorothy Mims Smith.

and in behalf of Defendant upon Waiver and Answer

Duffair J. Mansberry Jr.

Alvin J. M... ..

Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

DOROTHY MIMS SMITH

VS.

AUBREY L. SMITH

Note of Testimony

Filed in Open Court this 19-----

day of Sept, 1957

Res. J. - [Signature]
Register.

DOROTHY MIMS SMITH
Complainant,
VS.
AUBREY L. 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
Montgomery, in the County of Montgomery

Alabama, ~~the place of residence of~~ to-wit: DOROTHY MIMS SMITH

.....
.....
.....
.....

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

J. J. Mable
Solicitor for Complainant.

NOTE:

Complainant suggests the name of Warren S. Reese, Jr., 12 1/2 Commerce Street, Montgomery, Alabama

as a suitable and competent person to act as commissioner upon the examination of said witnesses.

J. J. Mable
Solicitor for Complainant.

4130

BT-6-40-660

DEMAND FOR ORAL EXAMINATION.

DOROTHY MIMS SMITH

Complainant,

Vs.

AUBREY L. SMITH

Respondent.

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

Filed this day of **September**,

194**57**.....

.....
Register.

DOROTHY MIMS SMITH

Complainant

VS.

AUBREY L. SMITH

Respondent

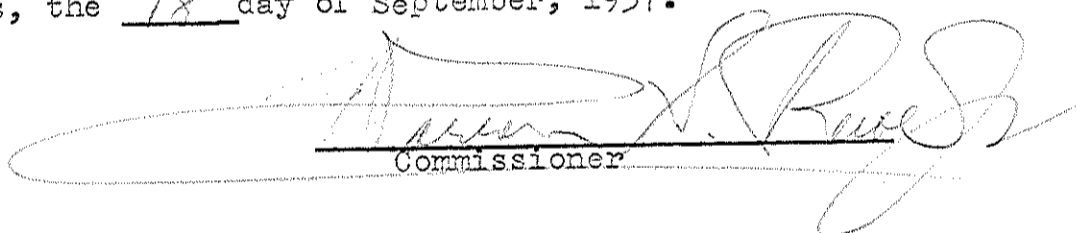
*
*
*
*
*
*
*
*
*
*
*
*

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

CERTIFICATE OF COMMISSIONER

I, Warren S. Reese, Jr., duly authorized commissioner in the above entitled cause, hereby certify that acting in accordance with a commission issued to me out of the Circuit Court of Baldwin County, Alabama, in Equity, have taken the enclosed deposition of the witness, Dorothy Mims Smith, and she swore to me that the answers are true and correct. Furthermore, that I am neither kith nor kin to either party in said cause, and I am not interested in the outcome of the same.

This, the 18 day of September, 1957.



Commissioner

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: WARREN S. REESE, JR., 12 1/2 Commerce Street,
Montgomery, Alabama

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 Dorothy Mims Smith

a witnesses in behalf of the Complainant in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Dorothy Mims Smith

is the Complainant
and Aubrey L. Smith

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

Witness 17 day of September, 1957

Reese Reese
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 4130

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

DOROTHY MIMS SMITH

Complainant

VS.

AUBREY L. SMITH

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WARRENS S. REESE, JR.

WITNESSES:

DOROTHY MIMS SMITH.

any holdings and proceedings are hereby suspended and the same shall be null and void from and after the date of this order. It is further ordered that the said proceedings be held in accordance with the provisions of the Alabama Rules of Civil Procedure.

WARRENS S. REESE, JR.
Commissioner

Continued

Page 11

WARRENS S. REESE, JR.

Continued

Page 12

Page 13

Continued

Page 14

Continued

Page 15

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

DOROTHY MIMS SMITH

Complainant

VS.

AUBREY L. SMITH

Respondent

I, Warren S. Reese, Jr.

as ~~Registered~~ Commissioner heretofore appointed by the Court
have called and caused to come before me DOROTHY MIMS SMITH

witness named in the Requirement for Oral Examination, on the day of September
195 7, at the office of Warren S. Reese, Jr.
in Montgomery, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said DOROTHY MIMS SMITH

 doth depose and say as follows: "My name is Dorothy Mims Smith. I am the complainant in this cause and I am over the age of twenty-one years. The respondent is over the age of twenty-one years and is a resident of the State of Alabama, residing either in Fairhope, Alabama, or in Mobile, Alabama. I am a resident of Montgomery, Alabama, residing at 50 Turner Place in Montgomery. I married the respondent, AUBREY L. SMITH, in Montgomery, Alabama, on the 2nd day of December, 1956. Almost immediately after our marriage, my husband began to display a violent temper. On several occasions he threatened me with physical violence, and, finally, on, or about the 15th day of February, 1957, I became reasonably convinced that, if I continued to live with him as his wife, he would carry out his threats and commit an actual physical violence on my person which would necessarily endanger my life or health, and I left him at that time and have not, since that time, returned to live with him as his wife. I am sure that we can never again live together as husband and wife. I have a son by a former marriage and I feel that it would be better for me to resume the use of my former name, DOROTHY MIMS." Further deponent says not.

Dorothy Mims Smith
DOROTHY MIMS SMITH

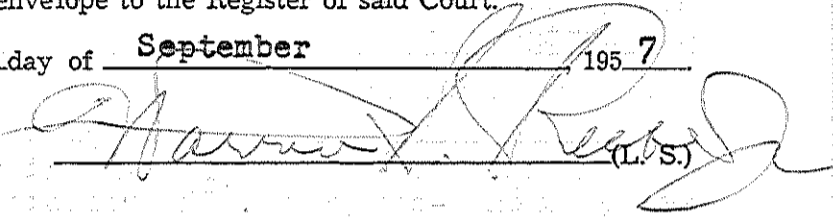
ORAL EXAMINATION.

I, WARREN S. REESE, JR., as ~~Register~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness _____ and read over to her and she 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 _____ or had proof made before me of the identity of said witness _____; that I am not of counsel or 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 _____ day of September, 1957



(L.S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

DOROTHY MIMS SMITH

vs. Complainant

AUBREY L. SMITH

Respondent.

Oral Deposition

Filed _____, 195_____

FILED

SEP 10 1957
Recorded in
ALICE J. DUCK, Register

Vol. _____ Page _____

Register

DOROTHY MIMS SMITH,
Complainant,
VS.
AUBREY L. SMITH,
Respondent.

0
0
0
0
0
0
0
0
0

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. _____

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

Your complainant, DOROTHY MIMS SMITH, respectfully represents and shows unto your Honor as follows:

1. That complainant is over the age of twenty-one years and is a resident of Montgomery County, Alabama, residing at 50 Turner Place, in Montgomery, Alabama; that the respondent is over the age of twentyone years and a resident of Alabama.
2. That your complainant and the respondent were lawfully married in Montgomery, Alabama, on December 2, 1956.
3. Your complainant avers and charges that, almost as soon as they were married, the respondent began to display a violent temper; that said respondent made numerous threats of doing physical harm to the person of your complainant, and that, because of his manner and conduct toward her, your complainant became, and still is, reasonably convinced that, should she continue to live with the respondent as his wife, he would carry out his threats and commit an actual violence to her person which would endanger her life or health; that because of his said threats she left him on, to-wit: the 15th day of February, 1957, and has not since that time returned to live with him as his wife.

THE PREMISES CONSIDERED, your complainant makes the said AUBREY L. SMITH a party respondent to this bill of complaint, and in order that she may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said AUBREY L. SMITH, commanding him to plead, answer or demur to this bill of complaint within the time required by law; and complainant prays that, on a final hearing of this cause, your Honor will make and enter a decree divorcing your complainant from the respondent and granting her the right to resum the use of the name, DOROTHY MIMS; and your complainant prays for such other, further, different, or general relief as in equity or good conscience she may be entitled to receive, and your complainant will ever pray, etc.

J. J. Madbury, Jr.
SOLICITOR FOR COMPLAINANT.