

(2895)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Mary Alice Ard, Complainant

vs.

Samuel Ard Jr., 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 Mary Alice Ard is forever divorced from the said Samuel Ard Jr. for and on account of

Cruelty. IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Complainant be and she is hereby awarded the care, custody and control of the minor children, Eldon Newton Ard and Sharon Ellen Ard, with the right of the Respondent to visit them at reasonable times.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Respondent pay to the Complainant the sum of Fifty (\$50.00) Dollars per month toward the maintenance and support of said minor children.

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

This 20th day of September, 1952.

Julian J. Marshall, 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. 2895 Page \_\_\_\_\_

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

Mary Alice Ard

Complainant

vs.

Samuel Ard Jr.

Respondent

**DIVORCE DECREE**

**FILED**

SEP 20 1932

ALICE J. DICK, Register

**THE STATE OF ALABAMA**  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

Mary Alice Ard Complainant

VS.

Samuel Ard Jr. Respondent

I, Evelyn Watts

as ~~Register and~~ Commissioner

have called and caused to come before me Mary Alice Ard and Julia Toler

witness <sup>es</sup> named in the Requirement for Oral Examination, on the 15 day of September  
194 52, at the office of Hubert M. Hall  
in Bay Minette, Alabama, and having first sworn said Witness <sup>es</sup> to speak the  
truth, the whole truth, and nothing but the truth, the said Mary Alice Ard and Julia Toler  
doth depose and say as follows:

My name is Mary Alice Ard. I am over twenty-one years of age and a resident of Summerdale, in Baldwin County, Alabama, where I have lived for the past nine years. The Respondent, Samuel Ard, Jr., is over twenty-one years of age and also a resident of Baldwin County, Alabama, and has been here all of his life.

The Respondent and I married at Pensacola, Florida, on October 9, 1937. We lived together as husband and wife in Baldwin County, Alabama, until December 29, 1951, I believe it was.

The Respondent while he and I have lived together has often threatened and abused me and threatened to actual violence to my person which would necessarily endanger my life and health and on several occasions he has committed actual violence to my person. Just Sunday Night two weeks ago the Respondent came to the house where I was and committed actual violence to my person by striking me and choking me. The conduct of the Respondent is such as to give me every reasonable apprehension to believe and I do actually believe that if I continued to live with him he would do further violence to my person which would necessarily endanger my life and health. The conduct of the respondent was such that it is absolutely impossible fore the Respondant and me to live together.

The Respondent and I have reached a full and complete agreement as to a division of the property and the custody and support of our children. We have all ready executed proper conveyance from the one to the other conveying the respective interest in the joint property.

The Respondent and I have two children, Eldon Newton Ard, age 11, and Sharon Ellen Ard, age 6, who are now and have been all of their lives with me. I am the suitable, fit and proper person to have their custody, care and control. The Respondent has consented to pay toward the maintenance and support of the said children \$50.00 per month. While this amount may not be suffieient it will aid materially in their support. I have also considered the matter of their welfare and know that it is to their best interest taking into consideration the conduct of the Respondent when he is around that a divorce be granted.

Mary Alice Ard

My name is Julia Toler. I live at Robertsdale, Alabama. I am personally acquainted with the Complainant and the Respondent in this cause. I know that the Respondent has often threatened and abused the Complainant, and also know that on several occasions he has committed actual violence to her person. I have had occasion to be around them quite a bit and know that the conduct of the Respondent is such as to render it absolutely impossible for the Complainant to live with him. I know that the Complainant is the suitable, fit and proper person to have the care, custody and control of their minor children.

Julia Toler

**ORAL EXAMINATION.**

I, Evelyn Watts, 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 witness es and read over to them and they signed the same in the presence of myself and Hubert M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom 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 15 day of September, 194 52

Evelyn Watts (L. S.)

NO. 2895 PAGE \_\_\_\_\_

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

Mary Alice Ard

vs. Complainant

Samuel Ard Jr.

Respondent.

**Oral Deposition**

Filed \_\_\_\_\_, 194 \_\_\_\_\_

**FILED**  
SEP 20 1952  
Recorded in \_\_\_\_\_  
Register.

Vol. \_\_\_\_\_ Page \_\_\_\_\_  
Record \_\_\_\_\_  
Register.

MARY ALICE ARD  
COMPLAINANT  
VS  
SAMUEL ARD JR.  
RESPONDANT

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, marriage  
and children, but denies all other allegations and demands strict proof  
of the same.

The Respondent admits that the Complainant is the suitable, fit and  
proper person to have the care, custody and control of the two minor children  
Eldon Newton Ard and Sharon Ellen Ard; that he thinks Fifty (\$50.00) Dollars  
per month is a reasonable amount to pay toward the maintenance and support  
of said children and agrees and binds himself to pay said amount and con-  
sents that said provision be entered in the final decree of the divorce.

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 further notice.

Samuel Ard Jr

STATE OF ALABAMA  
BALDWIN COUNTY

I, H. M. HALL, A Notary Public, in and for said County, in said State,  
hereby certify that Sammie Ard Jr., whose name is signed to the foregoing  
instrument, and who is known to me, acknowledged before me on this day that  
being informed of the contents of said instrument, he executed the same  
voluntarily on the day the same bears date.

Given under my hand and seal on this the 13 day of September, 1952.

H. M. Hall  
Notary Public, Baldwin County, Alabama

2895

MARY ALICE ARD

COMPLAINANT

VS

SAMUEL ARD JR.

RESPONDENT

ANSWER AND WAIVER

FILED

SEP 20 1952

ALICE J. DUCK, Register

RECORDED

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: Evelyn Watts

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 Mary Alice Ard and Julia Toler

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Mary Alice Ard

Samuel Ard Jr., Complainant  
and

Respondent

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

Witness 15<sup>th</sup> day of Sept, 1952

Alice J. Leach  
Register.

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

No. 2895

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

Mary Alice Ard

Complainant

vs.

Samuel Ard Jr.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

FILED

SEP 20 1952  
WITNESSES:

ALICE J. DUCK, Register

*[Faint, mostly illegible text, likely bleed-through from the reverse side of the page.]*



Mary Alice Ard

vs.  
Samuel Ard Jr.

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 Mary Alice Ard and  
Julia Toler

and in behalf of Defendant upon

*[Handwritten signature]*  
for P.M.

*[Handwritten signature]*

Register.

No. 2895

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

Mary Alice Ard

vs.

Samuel Ard Jr.

NOTE OF TESTIMONY

Filed in Open Court this

day of SEP 20 1952, 194

ALICE J. DUCK, Register  
Register.



That there was born to the marriage between your Complainant and the Respondent two children, Eldon Newton Ard, age 11 and Sharon Ellen Ard, age 6, who are now and have been all of their lives with their mother, the Complainant; that your Complainant is a suitable, fit and proper person to have their care, custody and control; that the Respondent is an abled bodied man and fully capable of contributing toward the support and maintenance of said children.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Samuel Ard Jr., party respondent to this bill of complaint requiring him 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.

Your Complainant further prays that upon a final hearing hereof Your Honor will enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; That the Complainant be awarded the permanent custody, care and control of the minor children, Eldon Newton Ard and Sharon Ellen Ard; and that she be awarded such amount as your Honor shall seem meet and proper as permanent alimony and as support for the minor children; Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

  
Solicitor for the Complainant

2896 RECORDED

MARY ALICE ARD

COMPLAINANT

VS

SAMUEL ARD JR.

RESPONDENT

SUMMONS AND COMPLAINT

2895

FILED

SEP 20 1952

ALICE J. DUCK, Registrar