

2907

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Allene Smith, Complainant

vs.

Julius T. Smith, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on publication 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 Allene Smith is forever divorced from the said Julius T. 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 the payment of the cost of this suit.

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

This 22nd day of December, 1952.

Julius G. Mascherus, 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

Allene Smith

Complainant

vs.

Julius T. Smith

Respondent

DIVORCE DECREE

FILED
DEC 22 1952

ALICE J. DUCK, Register

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Allene Smith

Complainant

VS.

Julius T. Smith

Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Allene Smith and Arthur Agerton

witness^{es} named in the Requirement for Oral Examination, on the 15 day of December
1945, at the office of Hubert M. Hall

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 Allene Smith and Arthur Agerton

doth depose and say as follows:

My name is Allene Smith. I am over twenty-one years of age and a bona fide resident of Baldwin County, Alabama, and have been for over a year next preceding the filing of the bill of complaint in this cause. The Respondent Julius T. Smith, is over twenty-one years age and a non-resident of the State of Alabama, and his address cannot be ascertained after a diligent search and inquiry.

The Respondent and I married at Lucedale, Mississippi, on November 13, 1951. We lived together as husband and wife, in Baldwin County, Alabama, until in March, 1952.

The Respondent in March 1952, and on various occasions prior thereto cursed, threatened and abused me and threatened to do actual violence to my person which would necessarily endanger my life and health. The conduct of the Respondent was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with him he would carry out his threats and do actual violence to my person which would necessarily endanger my life and health. The conditions were such as to render it absolutely impossible for us to live together as husband and wife.

The Respondent and I have no children and no community property.

Allene Smith

Arthur Agerton, a witness for the Complainant being first duly sworn, deposes and says:

I am personally acquainted with the Complainant and the Respondent in this cause. I know that during the time the Complainant and the Respondent lived together as husband and wife the Respondent often threatened and abused her and threatened to do violence to her person. From my own personal observation I know that it was next to impossible for the Complainant to live with the Respondent. I know that it is to the interest of both that they be granted a divorce. They have no children.

A. Agerton

ORAL EXAMINATION.

I, Evelyn Watts, 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 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 December, 1945

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Allene Smith

vs. Complainant

Julius T. Smith

Respondent.

Oral Deposition

Filed 12-16, 1945

West. Union Co. Register.

Recorded in

Record

Vol. _____ Page _____

Register.

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 Allene Smith and Arthur Agerton

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Allene Smith

Complainant
and Julius T. Smith

Respondent

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

Witness 15th day of April, 1952

Richard [Signature]
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Allene Smith

Complainant—

vs.

Julius T. Smith

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Evelyn Watts

WITNESSES:

Allene Smith

Arthur Agerton

The BALDWIN Times

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER
BAY MINETTE, ALABAMA

Legal Notice

NOTICE TO NON-RESIDENT
The State of Alabama, Baldwin County
Circuit Court, in Equity
ALLENE SMITH
Vs.

JULIUS T. SMITH
This the 7th day of October, 1952
In this cause it being made to appear
to the Clerk of this Court by the affi-
davit of Allene Smith that the Defendant
Julius T. Smith is a non-resident of the
State of Alabama, address unknown, and
further, that, in the belief of said affiant
the Defendant is over the age of 21
years; it is therefore ordered that pub-
lication be made in the Baldwin Times,
a newspaper published in Bay Minette,
Baldwin County, Alabama, once a week

for four consecutive weeks, requiring the
said Julius T. Smith to answer or demur
to the Bill of Complaint in this cause
by the 8th day of November, 1952, or
after thirty days therefrom, a decree
Pro Confesso may be taken against
Julius T. Smith.

H. M. Hall
Attorney
ALICE J. DUCK
Register.
38-4tc.

AFFIDAVIT OF PUBLICATION

Jimmy Faulkner, being duly sworn, deposes and says
that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper pub-
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Allene Smith

vs.

Julius Smith

COST STATEMENT

156 WORDS @ 6 1/2 cents --- \$ 10 14

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Oct. 9, 1952 Vol. 63 No. 38

Date of 2nd publication Oct. 16, 1952 Vol. 63 No. 39

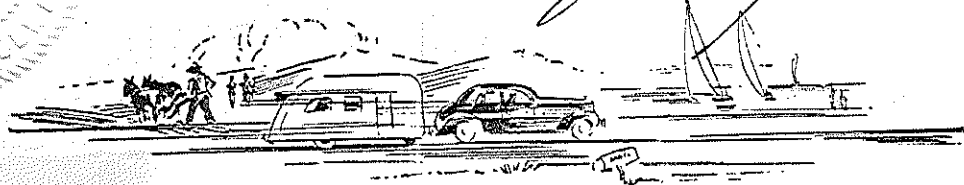
Date of 3rd publication Oct. 23, 1952 Vol. 63 No. 40

Date of 4th publication Oct. 30, 1952 Vol. 63 No. 41

Subscribed and sworn before the undersigned this 30 day of Oct., 1952

Dorothy Martin
Notary Public, Baldwin County

Jimmy Faulkner
Publisher.



THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

Allene Smith _____ Complainant

Vs.

Julius T. Smith _____ Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 9 day of October, 1952, in the Baldwin Times, a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the _____ day of _____, 194____ and _____

And it now further appearing to the Register Alice J. Duck, that the said Julius T. Smith

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Julius T. Smith

This 13th day of Dec, 1952
Alice J. Duck, Register.

RECORDED

No. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

Allene Smith

Vs.

Julius T. Smith

Decree Pro Confesso of Publication

Issued 12-13, 1957

W. J. ...
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

The Baldwin Times, Bay Minette, Ala.

[Faint, mostly illegible text and markings on the right side of the page, possibly bleed-through or a second page.]

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

Allene Smith

Complainant

Vs.

Julius T. Smith

Defendant

Motion is hereby made for a Decree Pro Confesso against Julius T. Smith

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 13 day of Dec., 1982

746 Code

Thompson

Solicitor.

RECORDED

No. _____ Page _____

**THE STATE OF ALABAMA
BALDWIN COUNTY**

CIRCUIT COURT, IN EQUITY

Allene Smith

Complainant _____

Vs.

Julius T. Smith

Defendant _____

**Motion for Decree Pro Confesso
On Publication**

Filed 12-10, 1952

W. J. ...

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

ALLENE SMITH
COMPLAINANT
VS
JULIUS T. SMITH
RESPONDENT

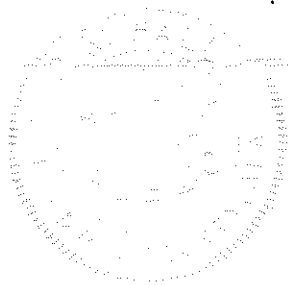
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY

Before me the undersigned authority, in and for said County, in said State, personally appeared Allene Smith, who is known to me and who having been by me first duly sworn, deposes and says: that she is the Complainant in the above styled cause; that she is a bonafide resident of Baldwin County, Alabama, living at Robertsdale; that she is over twenty-one years of age; that the Respondent, Julius T. Smith is over twenty-one years of age and a non-resident of the State of Alabama; that his address cannot be ascertained after a diligent search and inquiry.

Allene Smith

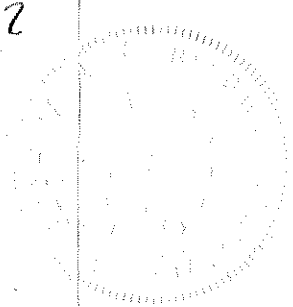
Sworn to and subscribed before me on this the 6 day of October, 1952.

J. L. Law
Notary Public, Baldwin County, Alabama



RECORDED

2902



ALLENE SMITH

COMPLAINANT

VS

JULIUS T. SMITH

RESPONDENT

AFFIDAVIT OF NON-RESIDENT

FILED

OCT 7 1952

ALICE J. DUCK, Register

ALLENE SMITH

COMPLAINANT

VS

JULIUS T. SMITH

RESPONDENT

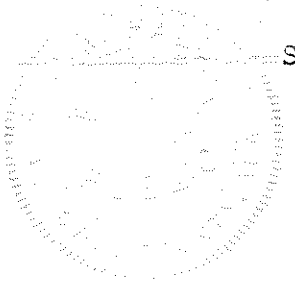
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY

Before me the undersigned authority, in and for said County, in said State, personally appeared Allene Smith, who is known to me and who having been by me first duly sworn, deposes and says: that she is the Complainant in the above styled cause; that she is a bonafide resident of Baldwin County, Alabama, living at Robertsdale; that she is over twenty-one years of age; that the Respondent, Julius T. Smith is over twenty-one years of age and a non-resident of the State of Alabama; that his address cannot be ascertained after a diligent search and inquiry.

Allene Smith

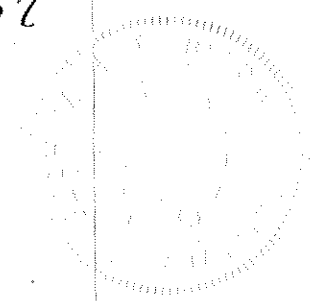
Sworn to and subscribed before me on this the 6 day of October, 1952.

J. L. Law
Notary Public, Baldwin County, Alabama



RECORDED

2907



ALLENE SMITH

COMPLAINANT

VS

JULIUS T. SMITH

RESPONDENT

AFFIDAVIT OF NON-RESIDENT

FILED

OCT 7 1952

ALICE J. DUCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons JULIUS T. SMITH to appear and plead, answer or demur within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by ALLENE SMITH, as Complainant, and against Julius T. Smith, as Respondent.

WITNESS my hand this the 7th day of October, 1952.

Alice J. Smith
Register

ALLENE SMITH

COMPLAINANT

VS

JULIUS T. SMITH

RESPONDENT

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

TO HONORABLE TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainant, Allene Smith, respectfully represents unto Your Honor and this Honorable Court as follows:

1.

That your Complainant, Allene Smith, is over twenty-one years of age, and a bona fide resident of Baldwin County, Alabama; that the Respondent, Julius T. Smith, is over twenty-one years of age, and a non-resident of the State of Alabama, his address cannot be ascertained after a diligent search and inquiry.

2.

That your Complainant and the Respondent married at Lucedale, Mississippi on November 13, 1951, and lived together as husband and wife until on to-wit in March, 1952.

3.

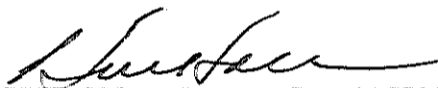
That on to-wit March, 1952, and on various occasions prior thereto the Respondent cursed, threatened and abused your Complainant and threatened to do actual violence to her person which would necessarily endanger her life and health; that the conduct of the Respondent was such as to give your Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with the Respondent he would do actual violence to her person which would necessarily endanger her life and health.

L.

That the Complainant and the Respondent have no children and no community property.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Julius T. Smith 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; 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

RECORDED

2907

ALLENE SMITH

COMPLAINANT

VS

JULIUS T. SMITH

RESPONDENT

BILL OF COMPLAINT

FILED

OCT 7 1952

ALICE J. DUCK, Register

NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

Allene Smith	}	The State of Alabama,
No.		Baldwin _____ County.
vs.	}	Circuit Court, in Equity
Julius T. Smith		This the _____ day of
		_____ 194

In this cause it being made to appear to the Clerk of this Court by the affidavit of Allene Smith

that the Defendant Julius T. Smith

is a non-resident of the State of Alabama address unknown

and further, that, in the belief of said Affiant the Defendant is over the age of 21

years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring

the said Julius T. Smith

to answer or demur to the Bill of Complaint in this cause by the 8th day of

November 1942, or after thirty days therefrom a decree Pro Confesso may be

taken against Julius T. Smith

Alice J. Duke
Register.

Allene Smith

vs.
Julius T. 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,

Decree pro confesso on publication and testimony of Allene Smith

and Arthur Agerton

and in behalf of Defendant upon Decree pro confesso on publication

Thornball

Beizler

Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Allen Smith

vs.

Julius T. Smith

2907

NOTE OF TESTIMONY

Filed in Open Court this 16th

day of June, 1945

Arice J. ...
Register.