

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, as such time and place as you may appoint, to call before you and examine Nomie Smith and Dorothy Bohannon

a witness in behalf of Complainant in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Nomie Smith is

, Complainant
and Jodie Smith is

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

Witness 5 day of Feb.

195 9

Alice J. Hark
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Nomie Smith

VS. Complainant

Jodie Smith

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Evelyn Watts

WITNESSES:

Nomie Smith
Dorothy Bohannon

FILED
FEB 5 1959
ALICE J. DUCK, Register

4499

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

Nomie Smith

vs.

Jodie 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 of respondent and testimony of Nomie Smith and
Dorothy Bohannon

[Handwritten signature]

and in behalf of Defendant upon _____

Alice J. Luck
Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Nomie Smith

vs.

Jodie Smith

NOTE OF TESTIMONY

Filed in Open Court this

day of

FILED

, 194

FEB 5 1959

ALICE J. DUCK, Register.

Register.

Printed by the Baldwin Times

NOMIE SMITH

COMPLAINANT

VS

JODIE F. SMITH

RESPONDENT

*
*
*
*
*
*
*
*
*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NO. _____

Now comes the Respondent and accepted service of the summons and complaint in this cause.

The Respondent admits the allegations as to the ages, marriage and residence, but denies all other allegations contained in the bill of complaint, and demands strict proof of the same.

Respondent agrees that \$30.00 a month is a reasonable amount for the maintenance and support of the minor child Bobby Smith, and respondent further agrees to waive his present claim of custody to said child.

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.

Jodie F. Smith

STATE OF ALABAMA
BALDWIN COUNTY

I, C. LeNoir Thompson, a Notary Public, in and for said County, in said State, hereby certify that Jodie F. Smith, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 31 day of January, 1959.

C. LeNoir Thompson
Notary Public, Baldwin County, Alabama.

4499 RECORDED

NOMIE SMITH

COMPLAINANT

VS

JODIE SMITH

RESPONDENT

ANSWER AND WAIVER

FILED

FEB. 5 1959

ALICE J. DUCK, Register

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Nomie Smith

, Complainant

vs.

Jodie 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

Nomie Smith is forever divorced from the said Jodie Smith for and on account of

~~Voluntary Abandonment. 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 child, Bobby Smith, subject to the right of the Respondent to visit at reasonable times.~~

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Respondent pay to the Complainant for the support and maintenance of the minor child, the sum of THIRTY (\$30.00) DOLLARS per month.~~

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

This 5 day of February 19 59

Hubert M. Moore

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

Nomie Smith

Complainant

vs.

Jodie Smith

Respondent

DIVORCE DECREE

FILED

FEB 5 1959

ALICE J. DUCK, Register

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

NOMIE SMITH COMPLAINANT

vs.

JODIE SMITH RESPONDENT

I, Evelyn Watts

as ~~Register~~ and Commissioner

have called and caused to come before me Nomie Smith and Dorothy Bohannon

witness^{es} named in the requirement for Oral Examination, on the 31st day of January
19 59, at the office of Wilters & Brantley

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 Nomie Smith and Dorothy

Bohannon doth depose and say as follows:

My name is Nomie Smith and I am over 21 years of age. Jodie Smith and I were married to one another in Greenville, Alabama, on the 30th day of October, 1926. We lived together as man and wife until the 1st day of April, 1954, at which time we separated and have not lived together since this date and I have received no support from him during this period of time.

We have raised a family, all of which are now grown, with the exception of Bobby Smith, who is now 10 years of age. I feel that I am in every respects a suitable, and proper person to have the care, custody and control of said child, and feel that the Respondent, Jodie Smith, should help me in the support of this child. I hereby respectfully request the court to incorporate our separation agreement in his divorce proceeding.

Nomie Smith

My name is Dorothy Bohannon. I am the daughter of Nomie Smith and Jodie Smith. I am 23 years old and I know that my mother and father separated sometime in 1954 and they have been separated continuously since this time. All of my brothers and sisters are now grown except Bobby, who is now 10 years old. Bobby has lived with my mother since the time my father and mother separated. In my opinion my mother is the fit and proper person to have the care, custody and control of Bobby.

Dorothy Bohannon

I, Evelyn Watts 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 31st day of January, 19 59.

Evelyn Watts (L. S.)

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

Nomie Smith

COMPLAINANT

Jodie Smith
vs.

RESPONDENT

ORAL DEPOSITION

Filed _____, 19____

FILED
FEB 5 1959

Alice J. Duck, Register, Register.

RECORDED IN

Record _____

Vol. _____ Page _____

Register.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JODIE 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 NOMIE SMITH, as Complainant and against JOEIE SMITH as Respondent.

WITNESS my hand this the 5 day of Feb., 1959.

Alice J. Duck
Register

NOMIE SMITH)	IN THE CIRCUIT COURT OF
COMPLAINANT)	BALDWIN COUNTY, ALABAMA,
VS)	IN EQUITY
JODIE SMITH)	
RESPONDENT)	

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

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

1.

That your Complainant and the Respondent are bona fide resident citizens of Baldwin County, Alabama, and over twenty-one years of age.

2.

That your Complainant and Respondent were married at Greenville, Alabama, on October 30, 1926, and lived together as husband and wife until on to-wit, April 1, 1954.

3.

That on to-wit, April 1, 1954, the Respondent voluntarily abandoned the bed and board of your Complainant and has remained away voluntarily and continuously since that time.

4.

That there was born to the marriage between your Complainant and Respondent one child, Bobby Smith, now 10 years old; that your Complainant is a fit and proper person to have his care, custody and control.

4.

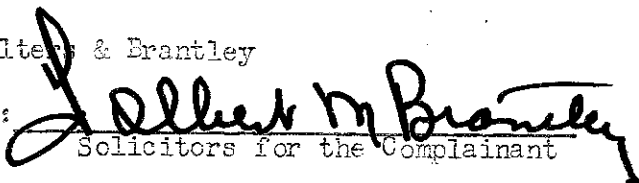
The Complainant avers that the Respondent is an abled bodied man and is presently earning a substantial salary.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Jodie 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 on a final hearing of this cause, your Honor will enter a decree granting your Complainant a divorce from the Respondent and granting her the right to remarry. Your Complainant further prays that your Honor will by said decree grant her the permanent care, custody and control of the minor child, Bobby Smith; Your Complainant further prays that Your Honor will order the Respondent to pay the Complainant support money for his minor child; your Complainant further prays for such other, further or different relief to which the Complainant may in equity be entitled.

Wilters & Brantley

BY:


Solicitors for the Complainant

RECORDED

4499

NOMIE SMITH

COMPLAINANT

VS

JODIE SMITH

RESPONDENT

BILL OF COMPLAINT

FILED

FEB. 5 1959

ALICE J. DUCK, Registrar