(3705)

DIVORCE DECREE

Printed by Moore Printing Co.

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

JAMES H. SMITH, Complainant

vs.

THELMA NATHAN SMITH, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso only~~ Respondent's Answer & 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 JAMES H. SMITH is forever divorced from the said THELMA NATHAN SMITH for and on account of VOLUNTARY ABANDONMENT

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 James H. Smith the Complainant pay the cost herein to be taxed, for which execution may issue.

This 21 day of JANUARY, 19 56

Hubert 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. 3705 Page

THE STATE OF ALABAMA

BALDWIN COUNTY

In Circuit Court, In Equity

JAMES H. SMITH

Complainant

vs.

THELMA NATHAN SMITH

Respondent

DIVORCE DECREE

FILED
JAN 21 1956

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

JAMES H. SMITH

COMPLAINANT

vs.

THELMA NATHAN 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, Respondents answer and waiver, appointment of commissioner to take testimony and testimony by oral deposition opf the complainant's witnesses.

and in behalf of Defendant upon

Arthur C. Gibson
Attorney for complainant

Alice J. Jenck
Register.

No. 3245

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

James H. Smith

Complainant

vs.

Thelma Nathan Smith

Respondent

NOTE OF TESTIMONY

Filed in Open Court this .....

day of ..... FILED JAN 21 1956 , 194 .....

ALICE J. BECK, Register Register.

Printed by the Baldwin Times

COMMISSION TO TAKE DEPOSITIONS B.T.-500-11-54

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Lola Ingram

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 James H. Smith and B. L. Polk

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein James H. Smith, Complainant

and Thelma Nathan Smith 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 20th day of January, 1956

Register.

Commissioner's Fee, $

Witness' Fees, $

No._____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

_____

_____

_____

_____

_____ Complainant

VS.

_____

_____

_____ Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

_____

_____

WITNESSES:

_____

_____

ORAL DEPOSITION

Printed by Moore Printing Co.

The State of Alabama, Baldwin County. } Circuit Court of Baldwin County, Alabama (In Equity)

JAMES H. SMITH Complainant

VS.

THELMA NATHAN SMITH Respondent

I, Lola Ingram

as Register and Commissioner

have called and caused to come before me James H. Smith and R. L. Polk

witness-es named in the Requirement for Oral Examination, on the 20 day of January 19 56, at the office of Lola Ingram

in Foley, Alabama, and having first sworn said Witness-es to speak the truth, the whole truth, and nothing but the truth, the said James H. Smith

R. L. Polk doth depose and say as follows:

My name is James H. Smith. I am over twenty-one years of age and have been a bona-fide resident of Baldwin County, Alabama for the last fifteen years. Thelma Nathan Smith is over twenty-one years of age and is living in Chatom Alabama. I was married to Thelma Nathan Smith in Bay Minette, Alabama on January 8, 1952. We do not have any children. We lived together at Gulf Shores for about two month when she voluntarily abandoned me with out any fault on my part. We have not lived together or in anyway recognized each other as husband and wife since that time. I did not know where she was until just a few weeks ago.

James H. Smith

My name is R. L. Polk. I am the step father of James H. Smith. I have raised him from a small child. James married this girl whom he didn't know anything about against my wishes and advice. Theylived together at my place for about two months right after they got married. My place I am referring to is down close to Gulf Shores, Alabama and that was in the first couple of months in 1952. This girl Thelma Nathan just up and left James with no apparent reason and we didn't know how or exactly when she left. James has lived with me every since she left him and he has not even known where she was until a couple of weeks ago. She abandoned him about four years ago and they have not recognized each other as husband and wife since that time.

R. L. Polk

ORAL EXAMINATION

I, Lola Ingram, as Register and Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down by me in writing in the words of the witness and read over to them and they signed the same in the presence of myself

Lola Ingram

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom made before me of the identity of said witness; 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 26th day of January, 19 56

Lola Ingram (L. S.)

No. 3245 Page

The State of Alabama
Baldwin County,

In Circuit Court, In Equity

JAMES H. SMITH
vs. Complainant

THELMA NATHAN SMITH
Respondent

Oral Deposition

Filed, 19

Register

Recorded in

Record

Vol. Page

Register

JAMES H. SMITH COMPLAINANT VS THELMA NATHAN SMITH RESPONDENT	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, SITTING IN EQUITY:

Your complainant JAMES H. SMITH respectfully represents and shows unto your Honor:

1. That the complainant is over the age of twenty-one years and is a bona fide resident of Baldwin County, Alabama, and has been a bona-fide resident of Baldwin County, Alabama for more than one year next preceding the filing of this bill of complaint; that Thelma Nathan Smith is over the age of twenty-one years and that her present address and residence is not known to the complainant.

2. That your complainant and respondent were lawfully married in Bay Minette, Alabama, January 8, 1952 and that of this marriage there are no children.

3. Complainant further avers that the said Respondent volantarily abandoned the bed and board of the complainant for more than one year next preceding the filing of this bill of complaint and since which time the complainant and respondent have not lived together or in anyway recognized each other as husband or wife.

The premises considered, your complainant makes the said Thelma Nathan Smith a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honors to cause the State's writ of subpoenan to be isuued, directed tothe said Thelma Nathan Smith, commanding her to answer, plead or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent; and that your Honors will grant such other further and different relief as unto your Honor may seem just and proper and your complainant will ever pray.

Arthur C Epperson
Solicitor for Complainant

RECORDED 3705

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

****

JAMES H. SMITH
COMPLAINANT

VS.

THELMA NATHAN SMITH
RESPONDENT

****

BILL OF COMPLAINT

FILED
JAN 23 1956
[illegible] Register

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

JAMES H. SMITH COMPLAINANT	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
VS.	)	IN EQUITY
THELMA NATHAN SMITH RESPONDENT	)	NO._____---

Now comes the respondent, Thelma Nathan Smith, and for answer to the bill of complaint herein says as follows:

1. She denies each and every material allegation contained in said bill of complaint and demands strict proof of the same.

2. The respondent hereby waives notice of the taking of testimony in this cause, notice of submitting said cause for final decree and such other, further or different notice to which she might otherwise be entitled.

Thelma Thelma Smith
RESPONDENT

Isabel Polk.
WITNESS

Debra Lee Jones
WITNESS

RECORDED 3705

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

****

JAMES H. SMITH
COMPLAINANT

VS.

THELMA NATHAN SMITH
RESPONDENT

****

ANSWER AND WAIVER

FILED
JAN 31 1956
ALICE L. GEEK, Registrar

ARTHUR C. EPPERSON
ATTORNEY AT ALW
FOLEY, ALA.

3705