

(4428)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

CHARLES C. WARREN, Complainant

vs.

ANN SMITH WARREN, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree of Divorcement~~ 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 CHARLES C. WARREN is forever divorced from the said ANN SMITH WARREN for and on account of

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 payment of the cost of this suit.

It is further ordered that CHARLES C. WARREN the Complainant pay the cost herein to be taxed, for which executed may issue.

This 9 day of January 19 59

[Signature]

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.

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No. ----- Page -----

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED  
JAN 19 1959  
ALICE J. DUCK, CLERK  
REGISTER

CHARLES C. WARREN

No. \_\_\_\_\_ VS  
ANNE SMITH, A/k/a ANNE SMITH WARREN

Entered on \_\_\_\_\_

Min. Book No. \_\_\_\_\_ Entry \_\_\_\_\_

~~XXXXXXXXXXXXXXXXXXXX~~ Register

ALICE J. DUKK

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

1. Bill of Complaint
2. Answer & Waiver,
3. Testimony of Charles C. Warren and of John A. Edwards witness on behalf of the complainant.

FILED, 12-6-58  
Alice J. Dukk Register

William J. Grayson  
Solicitor—for Complainant

FOR RESPONDENT

\_\_\_\_\_  
Solicitor—For Respondent

121

No. ....

Vs.

ORDER OF SUBMISSION  
NOTE OF EVIDENCE

Filed

**FILED**  
**DEC 6 1958**

ALICE J. DUCK, CLERK  
REGISTER Register

Ent. Min. No. .... Entry

MASSACHUSETTS  
STATE OF MASSACHUSETTS  
SHERIFF'S OFFICE  
SHERIFF

RETURN TO THE  
COURT CLERK  
OF THE SUPERIOR COURT  
AT BOSTON  
MASSACHUSETTS

CHARLES C. WARREN,  
COMPLAINANT,

-vs-

ANNE SMITH

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY:

NO. \_\_\_\_\_

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, SITTING IN EQUITY:

Comes the Complainant and shows unto Your Honors and unto  
this Honorable Court as follows:

ONE

The Complainant is the purported husband of the Respondent.  
The Complainant and Respondent are each over the age of twenty  
-one years of age. Both the Complainant and the Respondent are  
bona-fide resident citizens of Mobile County, Alabama and have  
been such for more than one year next preceding the filing of  
the bill of complaint herein.

TWO

On January 3, 1949 the Complainant and the Respondent went  
through a purported marriage ceremony at Lucedale, Mississippi.  
At said time the Respondent in this cause was legally and lawfully  
married to Donald Kirten. The Respondent was divorced from  
the said Donald Kirten by decree in 1949. The Complainant further  
states that there was a sixty day restriction in the Respondent's  
divorce.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction  
of this cause, will make the said Anne Smith, party-respondent  
hereto, and will cause her to appear, plead, answer or demur  
hereto within the time allowed by law and the rules of this  
Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that Your Honors will see fit to declare by decree that the said purported marriage of the Complainant to the Respondent be null, void, and of no legal effect, and that an annulment be granted him as to all aspects of the so-called marriage between the Complainant and the Respondent, and he be granted such other, further and additional relief as in equity he may be due, and as in duty bound he will ever pray, etc.

*William Grayson*  
\_\_\_\_\_  
SOLICITOR FOR COMPLAINANT.

IN THE MATTER OF THE REMOVAL  
OF THE DISABILITIES OF NON-  
AGE OF ANDREW J. GRASS.

◇  
◇  
◇  
◇  
◇

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

DECREE

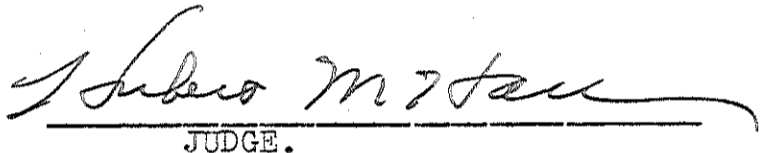
This cause coming on to be heard upon the verified petition of MARCELLA GRASS GOODEN, as the Mother of ANDREW J. GRASS, for the removal of the disabilities of non-age of the said ANDREW J. GRASS, this being the day set by former order of this Court to hear and determine said petition:

Now comes the petitioner, and the testimony of the witnesses having been taken by affidavits, pursuant to the former order of this Court, and as noted by the Register, and the Court finding that the facts stated in the said Petition are true; that the said MARCELLA GRASS GOODEN resides in the City of Fairhope, Alabama; that the said ANDREW J. GRASS RESIDES in the City of Fairhope, Alabama, but is temporarily absent from the State of Alabama on duty with the United States Army at Fort Belvoir, Virginia; that the Father of the said ANDREW J. GRASS is dead; and that the said ANDREW J. GRASS is over the age of eighteen years and will reach his twenty-first birthday on, to-wit: July 17, 1959; and the Court being satisfied that it will be to the best interest of said minor to be relieved of the disabilities of non-age, and that a copy of the aforesaid Petition and of the decree or order of the Court has been sent by the Register of this Court to the said minor, ANDREW J. GRASS, at Fort Belvoir, Virginia, by registered mail, and that he has duly received the same, and no objection being filed to the granting of said petition, IT IS, THEREFORE,

CONSIDERED, ORDERED, ADJUDGED AND DECREED that the prayer of said petition be, and hereby is, granted; that it will be to the best interest of the said minor, ANDREW J. GRASS, to be relieved from the disabilities of non-age unconditionally and without restriction.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED that the said ANDREW J. GRASS be, and hereby is, relieved from the disabilities of non-age unconditionally and without restriction and that he be, and hereby is, invested with the right to sue and be sued, contract, buy, sell and convey real estate, and, generally, to do and perform all acts which he could lawfully do if twenty-one years of age; that a duly certified copy of this decree be filed for record in the office of the Judge of Probate of Baldwin County, Alabama; and that the Petitioner pay the costs in this behalf incurred.

DONE in Chambers, at Bay Minette, Alabama, this the 14th day of November, 1958.

  
JUDGE.



# CERTIFICATE

I, Peggy Preston, the Commissioner appointed by the Court and named in the attached ~~commission~~, or named by agreement of the parties, in that certain cause now pending in Baldwin the Honorable Circuit Court of ~~Mobile~~ Mobile County, Alabama, Sitting in Equity, No. \_\_\_\_\_, wherein

Charles Warren is Complainant, and Anne Smith, aka Anne Smith Warren is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused Charles Warren, and John A. Edwards

who <sup>are</sup> were made known to me, to come before me at 3:00 o'clock P M., on December 2nd, 19 58, at 65 St. Emanuel Street, Mobile, Alabama; that said witnesses were first duly sworn

by me as stated; that they were then examined by WILLIAM GRAYSON, Solicitor for the COMPLAINANT.

~~XXXXXXXXXXXXXXXXXXXX~~

Solicitor for Guardian Ad Litem & \_\_\_\_\_, and they testified in Attorney Ad Litem for \_\_\_\_\_

response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near might be the identical language of said witnesses, and that, after said testimony had been so reduced to writing, it was by me read over to said witnesses; who assented to and signed same, ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ in my presence and in the presence of said Solicitor for <sup>X</sup>

Complainant ~~Solicitor for~~ and Guardian Ad Litem & ~~Attorney Ad Litem for~~

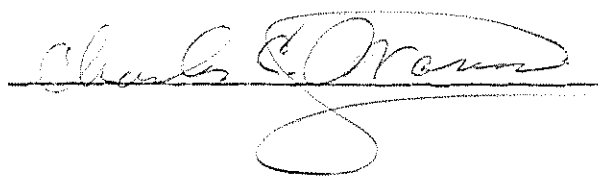
I further certify that I am not of counsel or kin to any of the parties to the said cause, and am not in anyway interested in the result thereof, and that the depositions are true and correct as given by the witnesses.

Witness my hand this 2nd day of \_\_\_\_\_ december, 19 58.

Peggy Preston  
Commissioner

TESTIMONY OF CHARLES C. WARREN, WITNESS ON HIS OWN BEHALF:

My name is Charles C. Warren and I am the Complainant in this cause. The Respondent and I went through a purported marriage ceremony with each other in January of 1949 in Lucedale, Mississippi. Both myself and the Respondent are each over the age of twenty-one years and both myself and the Respondent are bona-fide resident citizens of the State of Alabama and have been such for more than one year next preceding the filing of the bill of complaint herein. At the time of said purported marriage ceremony the Respondent was prohibited by the laws of the State of Alabama and the direct decree of the Mobile County Circuit Court from marrying me, due to the fact that the Respondent had obtained a divorce in the Mobile County Circuit Court from one, Heber Kirton on November 29, 1948, I was unaware of the fact that the Respondent and I could not get married and as soon as I learned that I had done wrong I quit living with her. I have not lived with the Respondent in any respect as man and wife since 1949 which has been for more than one year next preceding the filing of the bill of complaint. The Respondent has voluntarily abandoned my bed and board for more than one year next preceding the filing of the bill of complaint herein. I have not lived with the Respondent, nor has she received any support whatsoever from me since 1949.

  
\_\_\_\_\_

TESTIMONY OF JOHN A. EDWARDS, WITNESS ON BEHALF OF THE COMPLAINANT.

My name is John A. Edwards and I am a brother-in-law of the Complainant. The Complainant went through a purported marriage ceremony with the Respondent in Lucedale, Mississippi, in 1949. Both the Complainant and the Respondent are each over over the age of twenty-one years and both the Complainant and the Respondent are bona-fide resident citizens of the State of Alabama and the Complainant has been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent has voluntarily abandoned the bed and board of the Complainant for more than one year next preceding the filing of the bill of complaint herein. Respondent was prohibited by the laws of the State of Alabama and a direct decree of the Mobile County Circuit Court from marrying the Complainant, due to the fact that the Respondent had obtained a divorce in the Mobile County Circuit Court from one, Heber Kirton and the Complainant has not lived with the Respondent in any respect as man and wife since their void marriage, which has been for more than one year next preceding the filing of the bill of complaint herein. I know of my own personal knowledge that the Complainant has not lived with the Respondent for the past year as a matter of fact, he has not lived with the Respondent since 1949, which has been quite a few years ago.

*John A. Edwards*

CHARLES C. WARREN,  
Complainant,

-vs-

ANNE SMITH,  
Respondent.

! IN THE CIRCUIT COURT OF  
! ~~MOBILE~~ BALDWIN COUNTY, ALABAMA

! IN EQUITY:

! NO. \_\_\_\_\_

AMENDMENT TO BILL OF COMPLAINT

Comes the Complainant in the above styled cause and amends his bill of complaint filed heretofore herein by amending the style of the cause to read: CHARLES C. WARREN, Complainant, vs: ANNE SMITH, ak/a ANNE SMITH WARREN, Respondent, and by striking Paragraph TWO thereof and substituting therefor Paragraph THREE which is set forth below, and by adding an additional Paragraph theretto which is to be numbered FOUR And which is set forth below: Complainant amends his Prayer for Relief by seeking the relief set forth below in addition to the relief sought in the Prayer for Relief in his original bill of complaint.

THREE

Complainant and Respondent went through a purported marriage ceremony with each other on January 22, 1949, at which time the Respondent was prohibited by the laws of the State of Alabama and the direct decree of the Mobile County Circuit Court from marrying the Complainant, due to the fact that the Respondent had obtained a divorce in the Mobile County Circuit Court from one, Heber Kirton, on November 29, 1948, that the Complainant and the Respondent have not lived with each other in any respect as man and wife after their void marriage. Respondent has been generally known and called Anne Smith since her marriage to the Complainant but she is also known as and has been called Anne Smith Warren. FOUR

The Respondent has voluntarily abandoned the bed and board of the Complainant for more than one year next preceding the filing of the bill of complaint herein.

ADDITIONAL PRAYER FOR RELIEF

Complainant further prays that in the event that he has been mistaken as to the relief he has prayed for in his original bill of complaint and that he not be entitled to an annulment of the said purported marriage that he be granted a divorce from the bonds of matrimony with the Respondent because of her having abandoned his bed and board for more than one year next preceding the filing of the bill of complaint herein as has been set forth above.

William D. Brown  
SOLICITOR FOR COMPLAINANT



CHARLES C. WARREN  
No. ANNE SMITH, aka  
ANNE SMITH WARREN

Complainant }  
Defendant }

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

ANSWER AND WAIVER  
TO AMENDED BILL

Comes the defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegations of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by deposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause.

I further agree that Peggy Preston, may take the testimony in this cause without the issuance of a commission.

Anne Smith Warren  
Defendant

Complainant agrees that Peggy Preston, may take the testimony in this cause as commissioner, without issuance of a commission.

Charles C. Warren  
Complainant

NOTE: The space below is intended for "Agreements Between the Parties".

Respondent releases the Complainant from all claims of alimony and support, both temporary and permanent.

ATTEST:

x Jack Marlowe

x Geo. S. Cutler

Charles C. Warren  
COMPLAINANT

Anne Smith Warren  
DEFENDANT

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a NOTARY PUBLIC in and for said State and County, do

hereby certify that \_\_\_\_\_, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day, that being informed of the contents of the instrument, \_\_\_\_\_ executed the same voluntarily on the day same bears date.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

NOTARY PUBLIC

Filed \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Register

RECORDED

No. \_\_\_\_\_

*Warren*

Vs.

*Warren*

ANSWER AND WAIVER

FILED

NOV 22 1938

Filed, \_\_\_\_\_  
ALICE L. DUCK, CLERK  
REGISTER, 19

*Behn*