

(29622)

The State of Alabama, Baldwin County

Circuit Court, In Equity

ELVIN DOUGLAS SMITH, Complainant

vs.

VERNELLE ROBERTS 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 Elvin Douglas Smith is forever divorced from the said Vernelle Roberts Smith for and on account of

Adultery

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

This 30 day of April, 1953

Walter M. T. Face 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

ELVIN DOUGLAS SMITH

Complainant

vs.

VERNELIE ROBERTS SMITH

Respondent

DIVORCE DECREE

FILED

4-30-52

ALICE J. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Lyrleene Mixon

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 Elvin Douglas Smith and William S. Smith

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

Elvin Douglas Smith

Complainant

and

Vernelle Roberts Smith

Respondent

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

Witness 30th day of April, 1953

W. F. Welch

Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ELVIN DOUGLAS SMITH

Complainant—

vs.

VERNELLE ROBERTS SMITH

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

The BALDWIN Times

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

NOTICE TO NON-RESIDENT
 The State of Alabama, Baldwin County.
 Circuit Court, in Equity
 This the 10th day of February, 1953
 ELVIN DOUGLAS SMITH, No. 2962
 vs.
 VERNELLE ROBERTS SMITH

In this cause it being made to appear to the Clerk of this Court by the affidavit of Elvin Douglas Smith that the defendant Vernele Roberts Smith is a non-resident of the State of Alabama and whose place of residence is 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 Vernele Roberts Smith the said Defendant to answer or demur to the Bill of Complaint in this cause by the 10th day of March, 1953, or after thirty days therefrom a decree Pro Confesso may be taken against her.

ALICE J. DUCK, Register.
 C. LeNoir Thompson, Solicitor For Complainant 4-4c.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

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

Elvin Douglas Smith vs.
Vernelle Smith

COST STATEMENT

202 WORDS @ 6 1/2 cents --- \$ 13 13

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

Jimmy Faulkner
Publisher.

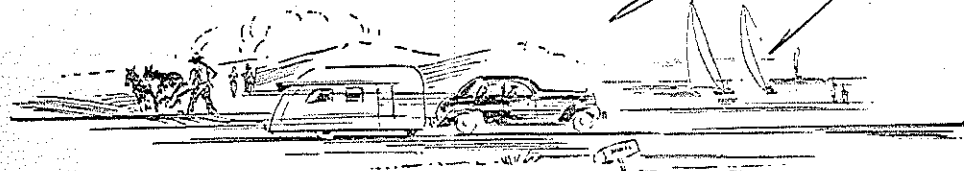
Was published in said newspaper for 4 consecutive weeks in the following issues:

- Date of 1st publication Feb. 12, 1953 Vol. 64 No. 4
- Date of 2nd publication Feb. 19, 1953 Vol. 64 No. 5
- Date of 3rd publication Feb. 26, 1953 Vol. 64 No. 6
- Date of 4th publication March 5, 1953 Vol. 64 No. 7

Subscribed and sworn before the undersigned this 10 day of Mar, 1953

Ronata Muntie
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



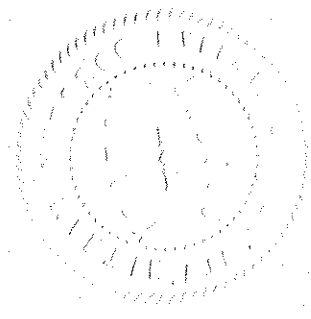
MISSISSIPPI STATE ARCHIVES - CIVIL RIGHTS DIVISION

MISSISSIPPI STATE ARCHIVES - CIVIL RIGHTS DIVISION

FILED

3-12-53

ALICE J. DICK, Register



THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

ELVIN DOUGLAS SMITH

Complainant

VS.

VERNELLE ROBERTS SMITH

Respondent

I, Lyrleene Mixon

as ~~Register and~~ Commissioner

have called and caused to come before me Elvin Douglas Smith and William S. Smith

witness es named in the Requirement for Oral Examination, on the 30 day of April 19453, at the office of C. LeNoir Thompson in Bay Minette, Alabama, and having first sworn said Witness s to speak the truth, the whole truth, and nothing but the truth, the said Elvin Douglas Smith and William S. Smith doth depose and say as follows:

That my name is Elvin Douglas Smith, I am over the age of 21 and a resident of Baldwin County, Alabama, the Respondent, Vernelle Roberts Smith is also over the age of 21 and a resident of Baldwin County, Alabama, and has been more than two years the next preceding. We were married in Bay Minette, Alabama, on December 31, 1950, and lived together as husband and wife until on or about July 25, 1952, about this time the Respondent did commit adultery with one Lorenzo Paul and she has lived with him at various times since that date the Respondent having left my bed and board in the company of the said Lorenzo Paul and has not returned to my bed and board since that date. There were no children born as fruits of this marriage and no property to be divided.

Elvin Douglas Smith

That my name is William S. Smith I know both parties to this cause, they are both over the age of 21 and has been residents of Baldwin County, Alabama, more than two years next preceding, that they were married at Bay Minette, Alabama December 31, 1950, and lived together as husband and wife until the latter part of July, 1952. I know that the Respondent left Elvin Douglas Smith and it is my information that she lived with Lorenzo Paul in the residence of Jesse Yarbough. The complainant and Respondent have not lived together as husband and wife since the Respondent went off with Lorenzo Paul. There are no children of this marriage and no property to be divided.

William S. Smith

ORAL EXAMINATION.

I, Lyrleene Nixon, 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 C. LeNoir Thompson

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 30th day of April, 1945

Lyrleene Nixon (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

ELVIN DOUGLAS SMITH

vs. Complainant

VERNELL ROBERTS SMITH

Respondent.

Oral Deposition

Filed 4-30, 1945

Wesley J. Houch Register.
Recorded in _____

Record _____

Vol. _____ Page _____
Register.

NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

ELVIN DOUGLAS S MITH
No. 2962

The State of Alabama.

Baldwin County.

vs.
VERNELLE ROBERTS SMITH

Circuit Court, in Equity

This the 10th day of

February 1953

In this cause it being made to appear to the Clerk of this Court by the affidavit of
ELVIN DOUGLAS SMITH

that the Defendant VERNELLE ROBERTS SMITH

is a non-resident of the State of Alabama and whose place of residence is
unknown

and further, that, in the belief of said Affiant the Defendant over the age of 21
years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper pub-
lished in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring
VERNELLE ROBERTS SMITH the said Defendant

to answer or demur to the Bill of Complaint in this cause by the 10th day of
March 1953, or after thirty days therefrom a decree Pro Confesso may be
taken against her

C. LeNoir Thompson
Solicitor For Complainant

Alvin J. Dicks

Register.

*copy mailed June's
2-10-53*

STATE OF ALABAMA

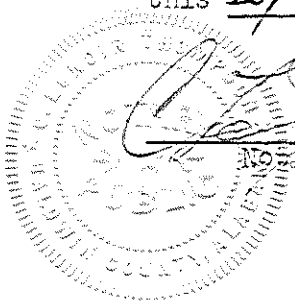
BALDWIN COUNTY

Before me, the undersigned authority in and for the State of Alabama Baldwin County, personally appeared Elvin Douglas Smith, who is known to me and who being by me first duly sworn according to law on oath doth depose and say that he is the Complainant in a certain cause being filed in the Circuit Court of Baldwin County, Alabama; that the Respondent in said cause, Vernelle Roberts Smith, is a non-resident of the State of Alabama and whose residence, after a search having been made with due diligence, is unknown according to the best information and belief of the Complainant and that your Complainant can not ascertain the particular place of residence and Post Office address of the Respondent after expending a reasonable effort, which has been made; that said Respondent is over the age of twenty-one years.

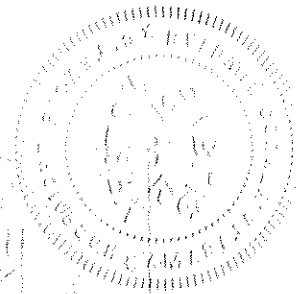
Elvin Douglas Smith
Complainant

Sworn to and subscribed before me
this 29 day of Oct, 1952.

W. J. Thompson
Notary Public.



702962



ELVIN DOUGLAS SMITH **RECORDED**

COMPLAINANT

VS

VERNELLE ROBERTS SMITH

RESPONDENT

Affidavit of Non-Residence

FILED
FEB 10-1953

ALICE I. DUCK, Register

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

RIVEN DOUGLAS SMITH

Complainant

Vs.

VERNEILE ROBERTS SMITH

Defendant

Motion is hereby made for a Decree Pro Confesso against _____

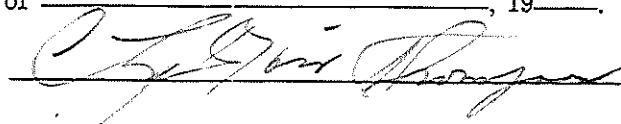
VERNEILE ROBERTS SMITH

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 _____ day of _____, 19____.

746 Code



Solicitor.

RECORDED

No. _____ Page _____

**THE STATE OF ALABAMA
BALDWIN COUNTY**

CIRCUIT COURT, IN EQUITY

ELVIN DOUGLAS SMITH

Complainant _____

Vs.

VERNELLE ROBERTS SMITH

Defendant _____

**Motion for Decree Pro Confesso
On Publication**

Filed 4-29, 1953

W. J. [Signature]
Register.

Recorded in _____ Record

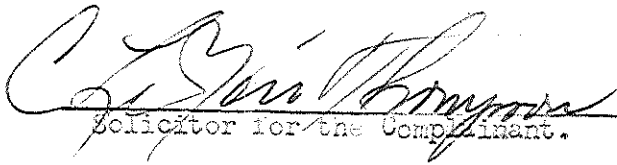
Vol. _____ Page _____

Register.

There were no children born as fruits of this marriage, and there is no property to be divided.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper procedure make the said Vernelle Roberts Smith, party Respondent to this bill of complaint requiring her 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 hearing hereof, your Honor will enter an order and decree granting to him an absolute decree of divorce, forever barring the bonds of matrimony existing between him and the Respondent. Your Complainant prays for such other, further, different, or general relief as he may be in equity and good conscience entitled to receive.


Solicitor for the Complainant.

No 2962

ELVIN DOUGLAS SMITH **RECORDED**

COMPLAINANT

VS

VERMELLE ROBERTS SMITH

RESPONDENT

Bill of Complaint

FILED

FEB 30 1953

ALISE I. DUCK, Register

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

ELVIN DOUGLAS SMITH

Complainant

Vs.

VERNELLE ROBERTS 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 _____ day of _____, 19____, 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 12th day of February 19453 and _____

And it now further appearing to the Register Alice J. Duck, that the said Vernelle Roberts Smith has not made answer in time and manner prescribed by law

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 Vernelle Roberts Smith

This 27th day of April 1953.
Alice J. Duck Register.

Apr. 5

RECORDED

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

ELVIN DOUGLAS SMITH

Vs.

VERNELLE ROBERTS SMITH

Decree Pro Confesso of Publication

Issued 11-29 1953

W. J. Houch
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

ELVIN DOUGLAS SMITH

.vs.

VERNELLE ROBERTS 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, _____

Motion for Decree Pro Confesso on Publication

and in behalf of Defendant upon Vernelle Roberts Smith

C. L. ...

W. J. ...

Register.

M

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

ELVIN DOUGLAS SMITH

vs.

VERNELLE ROBERTS SMITH

NOTE OF TESTIMONY

Filed in Open Court this 30th

day of April, 1945

Archie Hucker
Register.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon VERNELLE ROBERTS SMITH to a ppear 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 ELVIN DOUGLAS SMITH as Complainant and against VERNELLE ROBERTS SMITH as Respondent.

WITNESS my hand this the _____ day of _____, 1953.

Register

ELVIN DOUGLAS SMITH
COMPLAINANT

VS

VERNELLE ROBERTS SMITH
RESPONDENT

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

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

Your Complainant, Elvin Douglas Smith, respectfully represents unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent were both bona fide residents of Baldwin County, Alabama, at the time of their separation and more than two years prior thereto; that the Complainant and Respondent are residents of Baldwin County. The Complainant and Respondent are over the age of 21 years.

2.

That your Complainant and the Respondent married in Bay Minette, Baldwin County, Alabama, December 31, 1950, and lived together as husband and wife until, on-to-wit, July 25, 1952.

3.

Your Complainant further avers and alleges that said Respondent has been guilty of adultery with divers parties and persons whose names to your Complainant are unknown.

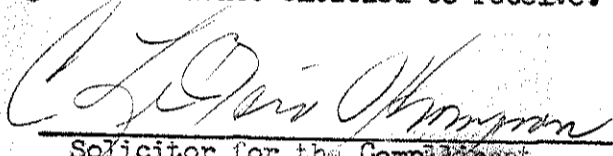
2075

4.

There were no children born as fruits of this marriage, and there is no property to be divided.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper procedure make the said Vernelle Roberts Smith, party Respondent to this bill of complaint requiring her 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 hearing hereof, your Honor will enter an order and decree granting to him an absolute decree of divorce, forever barring the bonds of matrimony existing between him and the Respondent. Your Complainant prays for such other, further, different, or general relief as he may be in equity and good conscience entitled to receive.



Solicitor for the Complainant.

RECEIVED
COURT CLERK
JAN 10 1911

OFFICE OF CLERK

RECORDED

INDEXED

COURT

CLERK