

1354

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

VADA BYRD

Complainant

VS.

EMMETT BYRD

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~

on ~~Answer and Waiver of the Respondent~~ 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 Vada Byrd

is forever divorced from the said Emmett Byrd

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 Vada Byrd the Complainant pay the cost herein to be taxed, for which execution may issue.

This 29th day of June, 1944

J. W. Hase

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

vs. Complainant

Respondent

DIVORCE DECREE

Filed this _____ day of

_____, 194_____

Register

VADA BYRD,
 COMPLAINANT,
 VS.
 EMMETT BYRD,
 RESPONDENT.

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

And now comes the Respondent and accepts service of the
 summons and complaint in this cause.

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

The Respondent waives notice of the time of taking testimony
 on behalf of the Complainant, the right to cross examine the Complain-
 ant's witnesses, and agrees that this cause be submitted for final
 decree without notice.

Emmett Byrd
 Respondent

WITNESSES:

Lillian Patterson
H. W. Hale

RECORDED

VADA BYRD,
COMPLAINANT,

VS.

EMMETT BYRD,
RESPONDENT.

Answer & Waiver

Filed

6-25-45

*R.S. Luck-
Register*

VADA BYRD
 COMPLAINANT
 vs.
 EMMETT BYRD
 RESPONDENT

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 the Respondent, and testimony of Vada Byrd
 and Hannis Harville.

and in behalf of Defendant upon

R.S. Dush

Register.

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Vada Byrd

vs.

Emmett Byrd

NOTE OF TESTIMONY

Filed in Open Court this 25

day of June, 1945

[Signature]
Register.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

VADA BYRD

Complainant

VS.

EMMETT BYRD

Respondent

I, Lillian Patterson

as ~~Register and~~ Commissioner

have called and caused to come before me Vada Byrd and Hannis Harville

witnesses named in the Requirement for Oral Examination, on the 21st day of June 1945, at the office of Beebe & Hall in Bay Minette, Alabama, and having first sworn said Witnesses to speak the truth, the whole truth, and nothing but the truth, the said Vada Byrd and Hannis Harville doth depose and say as follows:

My name is Vada Byrd. I am a bona fide resident of Bayminette, Alabama, and over eighteen years of age; the Respondent is over twenty-one years of age and a bona fide resident of Baldwin County, Alabama.

The Respondent and I are husband and wife. We married at Bay Minette, Alabama, on February 26, 1945. We lived together as husband and wife, in Baldwin County, Alabama, until June 17, 1945. On June 17, 1945, the Respondent committed actual violence to my person by striking me and twisting my arm. The conduct of the Respondent is such as to give me every reasonable apprehension to believe and I do actually believe that if I continue to live with him, he will carry out his threats and do violence to my person which will necessarily endanger my life and health. The conduct of the Respondent toward me in striking me and twisting my arm necessarily endangered my life and health. It is absolutely impossible for the Respondent and I to live together.

L. Vada Byrd

Hannis Harville, a witness for the Complainant being first duly sworn, deposes and says:

My name is Hannis Harville. I live at Bay Minette, in Baldwin County, Alabama. I am personally acquainted with the Complainant and the Respondent in this cause. I have seen the Respondent commit actual violence to the Complainant by striking and choking her and twisting her arm. I have never seen the Complainant give the Respondent any cause for mistreating her.

Hannis Harville

ORAL EXAMINATION.

I, Lillian Patterson, 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 witnesses and read over to them and they signed the same in the presence of myself and H. M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses 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 21st day of June, 1945.

Lillian Patterson (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA.
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Walter Boyd

vs. Complainant

Samuel Boyd

Respondent.

Oral Deposition

Filed 6-25-, 1945

H. M. Hall, Register.

Recorded in

Record

Vol. _____

Page _____

, Register.

STATE OF ALABAMA,
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU that you summon EMMETT BYRD, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction, within thirty days after the service of summons, and there to plead, answer or demur, without oath, to a bill of complaint lately exhibited by VADA BYRD, against the said Emmett Byrd, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Court, this the 13th day of June, 1945.

R. S. Duck
Register

VADA BYRD,
COMPLAINANT,

VS.

EMMETT BYRD,
RESPONDENT.

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

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY:

Now comes your Complainant, Vada Byrd, and humbly complaining against the Respondent, Emmett Byrd, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of Baldwin County, Alabama, and over eighteen years of age; that the Respondent is a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age;

2.

That your Complainant and the Respondent married at Bay Minette, Alabama, February 26, 1945, and lived together as husband and wife until June 17, 1945;

3.

That on to-wit, June 17, 1945, and at various times prior thereto, the Respondent committed actual violence on the person of the complainant by hitting her and twisting her arm; that said acts of cruelty necessarily endangered the life and health of the Complainant; that the conduct of the Respondent was such as to give the Complainant every reasonable apprehension to believe and she does actually believe that if she continues to live with the Respondent, he will carry out his threats and do further violence to her person, which will necessarily endanger her life and health.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Emmett Byrd party Respondent to this cause of action, 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.

Complainant further prays that upon a final hearing hereof, your Honor will enter an order and decree, granting to her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent; that you Honor bill give and grant to her such other, further, different, or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

BEEBE & HALL

By: *Shirley*

Solicitors for Complainant.

1354

RECORDED

VADA BYRD,

COMPLAINANT,

VS.

EMMETT BYRD,

RESPONDENT.

Executed 19th day of June 1945
by serving copy of within Summons and
Complaint on

Emmett Byrd

C.E. Garrett Sheriff
By Fred Walters Deputy Sheriff

SUMMONS AND COMPLAINT.

Filed

6-18-45

R.S. Duck

Register.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO Lillian Patterson

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 Vada Byrd, and Hannie Harville

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

Complainant
and Emmett Byrd

Defendant,
on oath to be by you administered, upon Vada Byrd, and Hannis Harville

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 25th day of June, 1945.

R.S. Alueck

REGISTER

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

NO. _____

THE STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

Complainant _____

vs.

Defendant _____

1354

Commission To Take Deposition

COMMISSIONER:

Witnesses: