

(1355)

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Mabel L. Day Complainant

VS.

Bertis R. Day Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~ANSWER OF RESPONDENT~~ on answer of 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 Mabel L. Day is forever divorced from the said Bertis R. Day

for and on account of abandonment.

It is further ordered, adjudged and decreed that the maiden name of complainant, namely: Mabel Lambert, be, and the same hereby is, restored to her, the complainant.

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 the complainant pay the cost herein to be taxed, for which execution may issue.

This 20 day of June, 1945.

J. D. Harris 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

**Mabel L. Day**

vs. Complainant

**Bertis R. Day**

Respondent

**DIVORCE DECREE**

Filed this \_\_\_\_\_ day of

\_\_\_\_\_, 194

Register

THE STATE OF ALABAMA }  
Baldwin County }

Circuit Court of Baldwin County, Alabama,  
(In Equity)

Mabel L. Day COMPLAINANT

vs.

Bertis R. Day RESPONDENT

I, R. S. Duck,

as Register and Commissioner

have called and caused to come before me Mabel L. Day and Mrs. A. D. Lambert, Sr.

witness<sup>es</sup> named in the requirement for Oral Examination, on the 18 day of June

1945, at the office of myself.

in Bay Minette., Alabama, and having first sworn said witness<sup>es</sup> to speak the

truth, the whole truth, and nothing but the truth, the said Mabel L. Day

doth depose and say as follows:

My name is Mabel L. Day. I am the complainant in this cause for divorce against the Respondent, Bertis R. Day. I am a resident of Baldwin County, Alabama and have been a bona fide resident of Baldwin County, Alabama for more than one year next preceding the filing of my bill of complaint in this cause. I am over the age of twenty-one years and the respondent Bertis R. Day is also over the age of twenty-one years and resides in Baldwin County, Alabama.

On the 22nd day of June, 1940 I was married to the Respondent, Bertis R. Day in Bay Minette, Alabama. We lived together as man and wife until April 15, 1944. I and the said Bertis R. Day have not lived together as man and wife since April 15, 1944. On April 15, 1944 the Respondent voluntarily abandoned my bed and board. This abandonment occurred more than one year next preceding the filing of the Bill of Complainant in this cause and was without fault or consent on my part.

The abandonment has been continuous. Shortly before this last date, he, the respondent, went to Mobile to work and has never returned to our home here in Bay Minette. He has not contributed anything to my support but I have worked and taken care of myself.

My maiden name was Mabel L. Lambert and I would like to have this restored to me.

Mabel L. Day

I, R. S. Duck 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 H. E. Smith, Solicitor for Complainant. 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 \_\_\_\_\_ day of June 1945.

R. S. Duck (L. S.)

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

**THE STATE OF ALABAMA,  
BALDWIN COUNTY**

**IN CIRCUIT COURT, IN EQUITY**

Nabel L. Day

COMPLAINANT

vs.

Bertis R. Day

RESPONDENT

**ORAL DEPOSITION**

Filed 6-18, 1945

R. S. Duck, Register.

RECORDED IN

Record \_\_\_\_\_

Vol. \_\_\_\_\_ Page \_\_\_\_\_

\_\_\_\_\_, Register

Mrs. A. D. Lambert, Sr., being first by me duly sworn, testified in behalf of complainant substantially as follows:

My name is Mrs. A. D. Lambert, Sr. I am over the age of twenty-one years and reside in Bay Minette, Baldwin County, Alabama. I am the mother of the complainant in this cause.

I have known the respondent, Bertis R. Day, for many years before he married my daughter on the 22nd day of June, 1940 at Bay Minette, Alabama. I have read the testimony of the complainant and know that it is true. I remember well when he abandoned her on April 15, 1944. My daughter, the said Mabel L. Day, has been living with me ever since this abandonment. I know that she did not give him any cause for leaving and that it was without fault on her part. They have not lived together as man and wife or otherwise since April 15, 1944 for she has been with me every day and night since that time. Since this last date she has worked and made her own living without any support from him. They were living here in Bay Minette, Alabama at the time he left her.

*Mrs. A. D. Lambert Sr.*

MABEL L. DAY  
Complainant,

VS:

BERTIS R. DAY,  
Respondent.

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

ANSWER OF RESPONDENT

Now comes the respondent, Bertis R. Day, and for answer to the bill of complaint filed in this cause against him by the Complainant, Mabel L. Day, he denies each and every allegation of the said bill of complaint and demands strict proof thereof.

And he, the said respondent, waives all service of notice or process of the filing of said Bill of Complaint, and further waives all notice of the taking of testimony on said cause and further waives all notices of the submission of said cause for final decree.

Bertis R. Day  
Respondent

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

I, R. S. Duck, Register In Chancery in and for said State and County, hereby certify that Bertis R. Day whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day of the same bears date, In witness whereof, I hereto set my hand this the 18 day of June, 1945.

R. S. Duck  
Register In Chancery.

1355

RECORDED

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

Mabel L. Day  
Complainant,

Vs:

Bertis R. Day,  
Respondent.

ANSWER OF RESPONDENT

*Filed*

*6-18-48*

*R. S. Luck  
Register*

Mabel L. Day

Complainant

vs.

Bertis R. Day

Respondent

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, \_\_\_\_\_  
~~answer of respondent and oral depositions of witnesses for~~  
~~complainant namely: Mabel L. Day and Mrs. A. D. Lambert, Sr.~~

and in behalf of Defendant upon none

*J. E. Smith*  
Solicitor for complainant.

*R. S. Black*  
Register.



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

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

vs.

**NOTE OF TESTIMONY**

Filed in Open Court this \_\_\_\_\_

day of \_\_\_\_\_, 194\_\_\_\_\_

Register.

Mabel L. Day,  
Complainant,

VS:

Bertis R. Day  
Respondent.

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

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Your oratrix, Mabel L. Day, brings this her Bill of

Complaint against Bertis R. Day and respectfully represents that she is a resident of Baldwin County, Alabama, and has been a bona fide resident of said State and County for more than one year next preceding the filing of this her bill of complaint, that she is over the age of twenty-one years and that the respondent, Bertis R. Day, is over the age of twenty-one years and resides in said state and county.

On the 22nd day of June, 1940, your oratrix was married to the respondent, the said Bertis R. Day, at Bay Minette, Alabama, and that they lived together as man and wife until to-wit: April 15, 1944. Your oratrix and the said respondent have not lived together as man and wife or otherwise since said last date. On said last date respondent, voluntarily abandoned the bed and board of complainant. That said abandonment occurred more than one year next preceding the filing of this Bill of Complaint. Oratrix's maiden name was Mabel Lambert.

WHEREFORE, the premises considered, your oratrix prays that a summons be issued directed to the said respondent, Bertis R. Day, requiring him to appear, and plead, answer or demur to this Bill of Complaint within the time required by law; and that upon a final hearing your Honor will grant to your Oratrix a decree of absolute divorce from the said Bertis R. Day, with permission to your Oratrix to again marry should she see fit to do so and will restore to Oratrix her maiden name of Mabel Lambert; and that such other relief may be granted to your oratrix as your Honor may deem proper, the premises considered.

*H. S. Smith*

Solicitor for Complainant

1355

RECORD

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

Mabel L. Day,  
Complainant,

VS:

Bertis R. Day,  
Respondent.

BILL OF COMPLAINT

*Filed*  
*6-18-45*  
*R.S. Lucke*  
*Register*