(1357)

DIVORCE DECREE

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

MRS. FLORENCE BANKS Complainant

VS.

THOMAS J. BANKS Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXXXXXXXX~~ ~~XX~~ 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 Mrs. Florence Banks is forever divorced from the said Thomas J. Banks for and on account of Habitual Drunkenness.

Mrs. Florence Banks is hereby granted the care, custody and control of Sylvia Banks, her minor daughter.

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 Thomas J. Banks the Respondent pay the cost herein to be taxed, for which execution may issue.

This 4th day of February, 1946

F. M. Hare

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. 1357 Page

The State of Alabama

BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

FLORENCE BANKS

vs. Complainant

THOMAS J. BANKS

Respondent

DIVORCE DECREE

Filed this 4 day of

Feb, 1946

Register

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MRS. FLORENCE BANKS, Complainant

vs.

THOMAS J. BANKS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on 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 Mrs. Florence Banks is forever divorced from the said Thomas J. Banks for and on account of Habitual Drunkenness

Mrs. Florence Banks is hereby granted the care, custody and control of Sylvia Banks, her minor daughter.

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 Thomas J. Banks the Respondent pay the cost herein to be taxed, for which executed may issue.

This 4th. day of February 19 56

F.W. Hare
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. 1357 Page

THE STATE OF ALABAMA

BALDWIN COUNTY

In Circuit Court, In Equity

FLORENCE BANKS

Complainant

vs.

THOMAS J. BANKS

Respondent

DIVORCE DECREE

BAY MINETTE, ALA., June 30, 19 78

Miranne,& Miranne--Attorneys at Law

219 Carondelete New Orleans, La. 71030

IN ACCOUNT WITH

EUNICE G. TINDAL

REGISTER OF CIRCUIT COURT

FOR Banks vs. Banks #1357

1 Copy of Divorce decree in the above style cause----------$1.25

CIRCUIT COURT
BALDWIN CO., ALA.
FILED
JUL 11 1978
EUNICE G. TINDAL
REGISTER

Eunice G. Tindal
(BJ.)

8581. NOTE OF TESTIMONY

Moore Printing Co.

MRS. FLORENCE BANKS

Complainant

VS.

THOMAS J. BANKS

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, Admissions in Answer and Testimony of Mrs. Florence Banks.

and in behalf of Defendant upon

Register.

By Earl A. Rogers
Solicitors for Complainant.

No. 1357

The State of Alabama,

BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

FLORENCE BANKS

Complainant

VS.

THOMAS J. BANKS

Respondent

NOTE OF TESTIMONY

Filed in Open Court this 16

day of January 194 46

Register.

Moore Printing Co.

The State of Alabama,
Baldwin County

CIRCUIT COURT

To Evelyn Nelson

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 Mrs. Florence Banks

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Mrs. Florence Banks is

Complainant

and Thomas J. Banks is

Defendant,

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

Witness this 15th day of January 1946.

REGISTER

COMMISSIONER'S FEE, $

WITNESS' FEES, $

NO. 1357

The State of Alabama

BALDWIN COUNTY

CIRCUIT COURT

FLORENCE BANKS

Complainant

vs.

THOMAS J. BANKS

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Thomas J. Banks to appear 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, at Bay Minette, Alabama, in that certain suit in which Mrs. Florence Banks is Complainant and Thomas J. Banks is Respondent.

Witness my hand and seal this 21st day of June, 1945.

R L Deck

Register.

MRS. FLORENCE BANKS,	)	IN THE CIRCUIT COURT OF
Complainant,	)	
	)	BALDWIN COUNTY, ALABAMA
VS.	)	
THOMAS J. BANKS,	)	IN EQUITY.
Respondent.	)	

TO THE HONORABLE F. W. HARE, JUDGE OF THE 21ST JUDICIAL CIRCUIT OF ALABAMA:

Comes your Complainant, Mrs. Florence Banks and files this her Bill of Complaint for Divorce against Thomas J. Banks and shows unto your Honor as follows:

FIRST:

That your Complainant and the Respondent are both over the age of twenty-one years and are both residents of Baldwin County, Alabama, residing at Robertsdale where your Complainant has resided for more than three years last past.

SECOND:

That your Complainant and the Respondent were married on heretofore to-wit, January 25, 1930, and they have lived together as man and wife since that time until your Complainant was compelled to leave the Respondent and live separate and apart from him on account of the matters hereinafter set out. That the Respondent since said marriage has become addicted to habitual drunkenness and that she has endeavored to make a go of said marriage but instead of his habits of drinking intoxicating liquors becoming less as the days and years have gone by it has become worse and that patience has ceased to be a virtue and as a decent lady she was forced on account of the said habit to leave him and terminate the matrimonial relations which has heretofore been existing between them.

THIRD:

That there was born to your Complainant and the Respondent a daughter, Sylvia Banks, who is now fourteen years of

age and who resides with your Complainant; that your Complainant does not own any property of any kind except the furniture in the home in which she is now living and that she has no money or income sufficient for her support or for the support of her minor daughter or sufficient to employ an Attorney to prosecute this suit; that the Respondent is an able bodied man, capable of supporting himself, the Complainant and their minor daughter; that the Respondent is now employed at the Alabama Dry Dock and Shipbuilding Company in Mobile, Alabama and is earning about $250.00 a month. Your Complainant further shows unto your Honor that she is a fit and proper person to have the care, custody and control of their minor child, Sylvia Banks and that the Respondent is not a fit and proper person to have the care, custody and control and raising of said minor child.

PRAYER FOR PROCESS AND RELIEF

The premises considered this Complainant prays that the above named Thomas J. Banks be made a party Defendant to this Bill of Complaint by the usual Writ or Process of this Honorable Court requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such case made and provided. Your Complainant further prays that your Honor will order a reference for the purpose of fixing Alimony, pendente lite and Attorney's fees, pendente lite to be paid by the above named Respondent to the Complainant. Your Complainant further prays that upon a final hearing of this cause that your Honor will grant unto your Complainant an absolute Divorce from said Respondent and that your Honor will award your Complainant the care, custody and control of her minor daughter, Sylvia Banks. Your Complainant further prays that upon the final hearing of this cause that your Honor will award your Complainant permanent alimony to be paid to her by the said Respondent

and will Decree that the said Respondent shall pay her Solicitors of Record a reasonable Solicitor's fee for the prosecution of this cause. Your Complainant further prays for such other, further, different and general relief to which she may be entitled and as in duty bound she will ever pray.

Herbert A. Pearson

Solicitors for Complainant.

FLORENCE BANKS, Complainant VS THOMAS J. BANKS, Respondent	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. NUMBER 1357.

ANSWER

Now comes the Respondent, Thomas J. Banks, and for answer to the Bill of Complaint filed in this cause says:

1. He admits the allegations contained in paragraph first of the said Bill of Complaint.

2. Respondent admits that he was married to the Complainant on January 25, 1930 but expressly denies that he has become addicted since marriage to habitual drunkeness.

3. Respondent admits that he is the father and that the Complainant is the mother of Sylvia Banks, a girl now fourteen (14) years of age, but denies each and all of the other allegations of paragraph number three of the Bill of Complaint.

4. Respondent denies each and all of the allegations of the said Bill of Complaint that have not been expressly answered herein.

5. Respondent consents and agrees that a Commissioner be appointed, testimony taken and this cause submitted for final decree without notice to him, all of which is hereby expressly waived.

J. B. Blackburn, Solicitor
for Respondent

ANSWER

FLORENCE BANKS

Complainant

VS

THOMAS J. BANKS

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NUMBER 1357.

Filed 1-15-49

Filed January 15. 1949

FLORENCE BANKS,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA.
THOMAS J. BANKS,	)	IN EQUITY.
Respondent.	)	
	)	

This matter coming on to be heard is submitted upon Demurrer to the Bill of Complaint filed in said cause and after hearing the same the Court is of the opinion that the Demurrer filed in said cause should be overruled.

It is therefore ORDERED, ADJUDGED AND DECREED, that the Demurrer to the Bill of Complaint filed in said cause should be and the same hereby is overruled.

Dated this 24th day of September, 1945.

F. W. Stark

Judge.

DECREE

FLORENCE BANKS,

Complainant,

VS.

THOMAS J. BANKS,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed September 28, 1945.

Register.

ORAL DEPOSITION

Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

MRS. FLORENCE BANKS Complainant

VS.

THOMAS J. BANKS Respondent

I, Evelyn Nelson
as ~~Registrar and~~ Commissioner
have called and caused to come before me Mrs. Florence Banks

witness named in the Requirement for Oral Examination, on the 16th day of January, 1946, at the office of Hybart & Chason in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Mrs. Florence Banks doth depose and say as follows:

TESTIMONY OF MRS. FLORENCE BANKS

My name is Florence Banks. I am over the age of twenty-one years and am now living in New Orleans, Louisiana. I am the Complainant in that suit for Divorce filed in the Circuit Court of Baldwin County, Alabama, In Equity, in which Thomas J. Banks is the Respondent. At the time I filed the Bill of Complaint I was a resident of Baldwin County, Alabama and had been living here for three years and it became necessary for me to go to New Orleans in order to earn a living. Thomas J. Banks is over the age of twenty-one years and was a resident of Baldwin County, Alabama at the time I filed my Bill of Complaint in this cause. I do not know where he now resides. I married Thomas J. Banks on January 25, 1930 and I lived with him as his wife until about the 1st of June, 1945. At this time I was compelled to leave him and live separate and apart from him. He became addicted to Habitual Drunkenness after marriage. I tried to persuade him to quit drinking but he steadily became worse. He did not drink to any excess at the time we married.

We have a daughter named Sylvia Banks who is now fifteen years of age. She lives with me in New Orleans, Louisiana. I am a fit and proper person to have the care, custody and control of my daughter. Thomas J. Banks is not a fit and proper person to have her care, custody and control.

Mrs Florence Banks

ORAL EXAMINATION.

I, Evelyn Nelson, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness—and read over to her and she signed the same in the presence of myself and John Chason

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 16th day of January, 1946.

Evelyn Nelson (L. S.)

NO. 1357 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

FLORENCE BANKS

vs. Complainant

THOMAS J. BANKS

Respondent.

Oral Deposition

Filed Jan 16, 1946

Register.

Recorded in

Record

Vol.

Page

Register.

FLORENCE BANKS, Complainant, VS. THOMAS J. BANKS, Respondent.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1357.

DEMURRER

Now comes the Respondent and for Demurrer to the Bill of Complaint and to each and every count thereof separately and severally says:

1. There is no equity in the bill.

J. B. Blackburn

Solicitor for Respondent.

DEMURRER

FLORENCE BANKS,

Complainant,

VS.

THOMAS J. BANKS,

Respondent.

1357

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1357.

Filed
7-23-45
R. S. Leach
Reg