(1274)

DIVORCE DECREE

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

LUCILLE H. DYESS, Complainant

VS.

CARL WESLEY DYESS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~xxxxxxxxxxxx~~ ~~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 LUCILLE H. DYESS

is forever divorced from the said CARL WESLEY DYESS

for and on account of Adultery.

IT IS FURTHER ORDERED AND DECREED that Complainant have the sole custody of the four children of the marriage, Carolyn Lucille, Nancy Rebecca, Carl W. Jr and Thomas Merrill, subject to the right of Respondent to visit said children during reasonable daylight hours.

IT IS FURTHER ORDERED AND DECREED that Complainant continue to receive the allowance now being paid by the United States Government to her for the support and maintainance of said children as long as Respondent remains in the Armed Forces and that when same is discontinued, that Respondent pay to Complainant the sum of Twelve and 50/100 Dollars per month for the maintainance and support of each child until each such child reaches the age of sixteen years, a total of Fifty dollars per month for the four children.

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 Respondent, Carl Wesley Dyess ~~xxx~~ pay the cost herein to be taxed, for which execution may issue.

This 31st day of September, 1945.

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. 1394 Page

The State of Alabama

BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

LUCILLE H. DYESS,

vs. Complainant

CARL WESLEY DYESS,

Respondent

DIVORCE DECREE

Filed this _____ day of

_____, 194__

Register

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

L U C I L L E H. D Y E S S Complainant

VS.

C A R L W E S L E Y D Y E S S, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, 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 LUCILLE H. DYESS is forever divorced from the said CARL WESLEY DYESS, for and on account of ADULTERY.

IT IS FURTHER ORDERED AND DECREED that Complainant have the sole custody of the four children of the marriage, Carolyn Lucille, Nancy Rebecca, Carl W. Jr. and Thomas Merrill, subject to the right of Respondent to visit said children during reasonable daylight hours.

IT IS FURTHER ORDERED AND DECREED that Complainant continue receive the the allowance now being paid by the United States Government to her for the support and maintainance of said children as long as Respondent remains in the Armed Forces and that when same is discontinued, that Respondent pay to Complainant the sum of Twelve and 50/100 Dollars per month for the maintainance and support of each child until each such child reaches the age of sixteen years, a total of Fifty dollars per month for the four children.

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 Respondent Carl Wesley Dyess pay the cost herein to be taxed, for which execution may issue.

This 31st day of August, 1945.

F.W. Hare
Judge Circuit Court, in Equity.

LUCILLE H. DYESS,
Complainant,

vs

CARL WESLEY DYESS,
Respondent.

E Q U I T Y

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.

DEPOSITIONS OF LUCILLE H. DYESS AND EVELYN SHARRON, WITNESSES FOR COMPLAINANT.

The above named witnesses being by me first duly sworn, upon examination by the Solicitor for the Complainant, testified as follows:

LUCILLE H. DYESS.

I am the Complainant in this cause, over the age of twenty-one years and a bona fide resident of the Fairhope Alabama. On December 31st, 1943 I married Carl Dyess and we lived together as husband and wife in Mobile up to November 15, 1944 when I left him because of his drunkeness and cruelty. He is over the age of twenty-one years and is now a non-com in the Army, stationed at Ft Sill, Oklahoma. I had married him previously in 1933 and we have four children, Caroline Lucille, now 10, Nancy Rebecca, 8, Carl W. Jr, 6 and Thomas Merrill, aged 3. Because of his treatment of me, I divorced him but later remarried him in 1943 on his promise of reform which he did not keep. Since we parted this last time I have given him two more short trials, both with the same result.

On August 24th last he came to Fairhope on a furlough and I was with him several days but he was drinking all the time. Just as he was about to leave to go back to Camp I learned of a suspicious circumstance from the actions of a woman we had been with the previous evening and suspected that he had gone to her house. My sister and I then went to this woman's home both front and back doors were locked but we heard some one in the house. We then went to the side of the house, a one-story house and looking though a window saw my husband and this woman in bed together and in the act of adultery. We both watched them for quite a little while and when they were through I called to him, "Carl, you can open the door now." Needless to say, this caused a commotion but he came to the door trying to put on his trousers and the woman, who was very drunk, lay down and pretended to be unconscious. She was in her slip. After I had told my husband what I thought of him-- he had only his shorts-- we left and I came at once to my lawyer and started this proceeding. This was yesterday, August 28th. Later in the day my father saw him, brought him up to Mr Rickarby's office where I gave him to understand all was over between us and he signed an answer and we agreed on our settlement.

Since my husband has been in the Army I have been receiving an allowance of $140.00 a month for the support of my four children and myself. Before he went into the Service he was working in Mobile and averaged from $65.00 to $75.00 per week for he is a good workman. It is a hard matter to support four children of school age on $140. but I managed to do it with the help of my own labor. I am informed that this allowance will continue to be made me as long as my husband stayes in the Army and when he gets out he will be able to make and pay more for the children.

I had expected to leave my husband for good before I learned of his unfaithfulness but this makes the matter absolutely final. Needless to say I have not condoned his adultery.

Lucille H. Dyess

EVELYN SHARRON.

The Complainant is my sister. Shw did not get along with her husband because of his drinking and cruelty and even when she went back to him after she divorced him the first time he was mean to her and this second marriage was no better. She listened to his pleadings to let him come back to her even after she had left him the second time but the way he behaved when he was down here on furlough last week xxxkx confirmed her intention of leaving him for good and then when she found out that hex was carrying on with another woman and she and I saw them in the act of adultery in broad daylight, she had nothing else left but to get rid of him as speedily as possible.

I have read over my sister's testimony as set out on the preceeding page and know that it is all true. I saw with my own eyes just what she told of the goings-on in the house of this other woman, whose husband is at sea and do not hesitate to say that Carl Dyess was guilty of adultery as she has stated.

Evelyn Sharron

I, Helen P. Baugh, acting as Commissioner by agreement of parties, hereby certify that in the case of LUCILLE H. DYESS v CARL WESLEY DYESS, Respondent, pending on the Equity Side of the Circuit Court of Baldwin County, I caused Lucille H. Dyess and Evelyn Sharron, witnesses for the Complainant to appear before me in my office in the Bank of Fairhope Building in Fairhope, Alabama, wjere after being duly sworn, upon examination by the Solicitor for the Complainant, they testified as is herein set forth and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither of counsel or of kin to either party to the cause ar in anywise interested in the result thereof.

IN WITNESS WHEREOF? I hereto set my hand and offialal seal as Commissioner on thes the 29th day of August, 1945.

Helen P. Baugh
Commissioner.

1394

Dykes

DX

Dykes

Listening

Tues Aug 29/1941

(S)

MORGAN & MILLER

Department of Commerce
Washington, D.C.

Dear Mr. Morgan:

Please see the attached letter to Mr. Miller, Director of the Weather Bureau, and advise me if you have any objection to the proposed action.

Very truly yours,

Jesse H. Jones
Secretary

Mr. Morgan
Mr. Miller

LUCILLE H. DYESS,
Complainant,

vs

CARL WESLEY DYESS,
Respondent.

E Q U I T Y .

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Comes CARL WESLEY DYESS, Respondent in the above styled cause and for answer to the bill of complaint says he denies each allegation of same.

Respondent hereby waives notice of demand for oral examination of Complaint's witnesses; of the issue of commission to take testimony; of the time and place set for taking same and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time upon the pleading and Complainant's evidence as noted by the Register.

Carl W Dyess
. . . . . .
Respondent.

Before me, the undersigned Notary, personally appeared Carl Wesley Dyess who is known to me to be the Respondent above named and who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 28 day of August, 1945.

Bessie S. Pinkley
Notary Public, Baldwin County,
Alabama.

1394

LUCILLE H. DYESS,
Complainant,

vs

CARL WESLEY DYESS,
Respondent.

- - - - -

ANSWER AND WAIVER.

* * * *

Filed Aug 29-1945
R. Fuller
Clerk

LUCILLE H. DYESS	)	
COMPLAINANT	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA,
VX	)	
	)	IN EQUITY
CARL WESLEY DYESS	)	
RESPONDENT	)	

TO HONORABLE F. W. HARE:

Your Petitioner, Lucille H. Dyess Possien, formerly Lucille H. Dyess respectivley represents and shows unto your Honor as follows:

1.

That on August 31, 1945, your Honor granted to the Petitioner a decree of divorce against the Respondent, for and on account of adultry.

2.

That in and by said decree the custody of the four children of the Complainant and the Respondent, Carolyn Lucille, Nancy Rebecca, Carl W. Dyess Jr., and Thomas Merrill, was awarded to your petitioner, subject only to the right of the Respondent to visit said children during reasonable daylight hours.

3.

That said decree contained the following provision: "It is further ordered and decreed that Complainant continue to receive the allowance now being paid by the United States Government to her for the support and maintainance of said children as long as Respondent remains in the Armed Forces and that when same is discontinued, that Respondent pay to Complainant the sum of Twelve and 50/100 Dollars per month for the maintainance and supportof each child until such child reaches the age of sixteen years, a total of Fifty dollars per month for the four children".

4.

That The Respondent Carl W. Dyess, has failed or refused to comply with the terms and conditions of the said decree in that he has failed to pay the alimony and support as provided therein.

WHEREFORE your Petitioner prays that citation issue to the Respondent, Carl Wesley Dyess, requiring him to appear before your Honor and show cause why he should not be adjudged in contempt of Court in not complying with the above decree.

Lucille H. Dyess
Petitioner

STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority in and for said County in said State, personally appeared Lucille H. Dyess Possien, who is known to me and who having been by me first duly sworn, deposes and says that the facts contained in the foregoing petition are true.

Lucille H. Dyess
Petitioner

Sworn to and subscribed before me on this the 9th day of March, 1948.

E. Cramer
Notary Public, Baldwin County, Ala.

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

Comes LUCILLE H. DYESS and by this her Bill of Complaint, presented against CARL WESLEY DYESS, hereby respectfully shows:

First: That Complainant and Defendant are both over the age of twenty-one years and bona fide residents of Baldwin County Alabama,

Second: That Complainant and Defendant were married on August 8th, 1933 and to this marriage were born four children who now live with Complainant and whose names and ages are;

Carolyn Lucille, aged ten years,
Nancy Rebecca, aged eight years,
Carl W. Jr, aged six years,and
Thomas Merrill, aged three years.

Third; That because of Defendant's drunkenness and cruelty Complainant secured a divorce on August 5th, 1943 in Mobile County where they were then living but on Defendant's repeated pleading and promises of better behaviom she remarried him December 31st of that year.

FOURTH: That since the remarriage Defendant has kept none of his promises and has again beaten and cursed her. He has, however, been called into the Armed Forces and since that time Complainant has been freed of his mistreatment and she and her children have for the first time been properly fed and clothed by the allowance of $140.00 a month made to her by the Government.Defendant is a skilled workman, making high wages as a mechanic but spending a large part of this on himself.

SIXTH: Since his induction Defendant, to whom Complainant told her intention to again divorce him, has been making further promises of reform but on his recent visit to his family in Fairhope on furlough on August 24th he was again intoxicated much of the time and because of this Complainant adhered to her intent to ask a divorce on the ground of cruelty. However, on August 28th last, the day Defendant was to leave, Complainant and her sister discovered him in the act of adultery and are now asking a divorce on this

ground.

SEVENTH: Complainant charges Defendant with adultery committed with a married woman at the latter's home in the Town of Fairhope on or about noon of Tuesday, August 28th, 1945 and which time and place he was seen by Complainant and her sister, in flagrante delicto.

THE PREMISES CONSIDERED, Complainant prays that Carl Wesley Dyess be made party Defendant to this cause and by proper process required to answer this Bill within the time prescribed by law.

COMPLAINANT FURTHER PRAYS that upon the hearing of this causea decree be rendered forever divorcing her from the said Carl Wesley Dyess, granting her the right to marry again should she so desire, the sole custody of the children of the marriage, and a continuation of the right to receive the allowance now coming to her and the children from the Government as dependents of a man in the Armed Forces for the duration of Defendant's military service and upon the conclusion thereof the payment out of the estate of Defendant of Twelve and 50/100 Dollars per week for the maintainance, support and schooling of each child until said child attains the age of sixteen years, together with such other, further or different relief as to Equity may seem meet.

Elliott G. Pinkerly

Solicitor for Complainant.

1394

No. EQUITY.

LUCILLE H. DYESS,
Complainant.

vs

CARL WESLEY DYESS,
Defendant.

- - - - - -

BILL FOR DIVORCE.

- - - - - -

Filed August 29th, 1945.

Register.

Decree Aug 31-1945
Register

ELLIOTT G. RICKARBY,
Solicitor.

8581. NOTE OF TESTIMONY

Moore Printing Co.

Lucille H. Dyess

Carl Wesley Dyess

VS.

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, and Testimony of the Complainant and Evelyn Shannon

and in behalf of Defendant upon Answer and Waiver

Received

Register.

E G. Rickarby Solicitor for Complainant

No. 1394

The State of Alabama,

BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Dyess

VS.

Dyess

NOTE OF TESTIMONY

Filed in Open Court this 29

day of August 1945

Register.

Moore Printing Co.