

1397

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

PAULINE SMITH

Complainant

VS.

JOHN L. SMITH

Respondent

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

is forever divorced from the said John L. Smith

for and on account of Cruelty.

It is further ordered, adjudged and decreed by the Court that the Complainant, Pauline Smith, be, and she is hereby awarded the custody of the minor children, Johnnie Wayne Smith, and Janice Ruth Smith.

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

This 12th day of September, 1945

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. 1399 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent

DIVORCE DECREE

Filed this _____ day of

_____, 194

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 Pauline Smith, and Sullivan Sanks

as witnesses in behalf of the Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Pauline Smith

_____ Complainant

and John L. Smith

_____ Respondent

on oath, to be by you administered, upon Pauline Smith and Sullivan Sanks to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 10 day of Sept, 1945

[Signature]
Register

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 1399

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Complainant _____
vs.

Defendant _____

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Pauline Smith

Complainant

VS.

John L. Smith

Respondent

I, Lillian Patterson

as Register and Commissioner

have called and caused to come before me Pauline Smith and Sullivan Sanks

witness^{es} named in the Requirement for Oral Examination, on the 5th day of September 1945, at the office of Beebe & Hall in Bay Minette, Alabama, and having first sworn said Witness^{es} to speak the truth, the whole truth, and nothing but the truth, the said Pauline Smith

doth depose and say as follows:

My name is Pauline Smith. I am a bona fide resident of Baldwin County, Alabama, and 21 years of age.

The Respondent is a bona fide resident of Baldwin County, Alabama, and over 21 years of age.

The Respondent and I are husband and wife, having married at Perdido in Baldwin County, Alabama, on November 2, 1941. We lived together as husband and wife in Baldwin County, Alabama, until the 3rd day of September, 1945.

The Respondent on the 3rd day of September, 1945, and on various dated prior thereto cursed, threatened and abused me and several occasions did actual violence to my person by striking me, which necessarily endangered my life and health. I have, on account of the Respondent cruelty me, left him, but each time have returned in the hope that he had reformed and that we could live together. The Respondent drinks heavily, and when drunk comes into the home and abuses me and the children and destroys the furniture. He drinks most of the time. His conduct is such that I absolutely cannot live with him. The last time he came home he was drunk, and abused me, and also took a stick of wood and destroyed a part of our furniture. I cannot longer live with him.

We have two children: Johnnie Wayne Smith now 2 years old and Janice Ruth, now 4 ~~xx~~ months old. The Respondent, on account of the way he conducts himself, and his heavy drinking and abuse of his family, is not a suitable or fit person to have the custody and control of the minor children.

I have a home with my father, who is ready, able and willing to assist me in the support of myself and my children.

Pauline Smith

Sullivan Sanks being a witness for the Complainant, being first duly sworn, deposes and says:

My name is Sullivan Sanks. I am the father of the Complainant in the above cause. My daughter has spent a greater part of the time with me since she married the Respondent. I have been called upon to support her and the children, and I am ready, able and willing to support and assist her and the children. The Respondent has no sense of responsibility toward his family. He drinks heavily and while drinking abuses his family and makes life so miserable the Complainant cannot live with him. She has on several occasions, on the account of the conduct of the Respondent, had to stop living with him as his wife. The conduct of the Respondent is such as to give the Complainant every reasonable apprehension to believe and I know from past experience that if she continues to live with him, he will continue to abuse her and carry out his threats toward her which will necessarily endanger her life and health. I have done all in my power to assist them so that they might get along and live happily. I know that it is absolutely impossible for the Complainant to live with him.

S. Sanks

ORAL EXAMINATION.

I, Lillian Patterson, 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 H. M. Hall 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 5th day of September, 1945.

Lillian Patterson (L. S.)

NO. 1399 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed Sept 10, 1945

Recorded in

Record

Vol. _____ Page _____

Register.

PAULINE SMITH

COMPLAINANT

VS.

JOHN L. SMITH

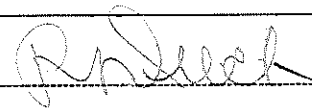
RESPONDENT

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 and Waiver of the Respondent, and testimony of Pauline Smith, and
Sullivan Sanks.

and in behalf of Defendant upon _____



Register.

No. 1899

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this 10

day of Sept 1931

R. Duval

REGISTER

PAULINE SMITH
COMPLAINANT

VS.

JOHN L. SMITH
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

And now comes the Respondent, John L. Smith, in his own proper person and accepts service of summons and complaint in this cause.

The Respondent admits the allegations contained in the bill of complaint as to ages, residents and marriage, and denies all other allegations contained therein 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 Complainant's witnesses and agrees that this cause be submitted forthwith for final decree without notice.

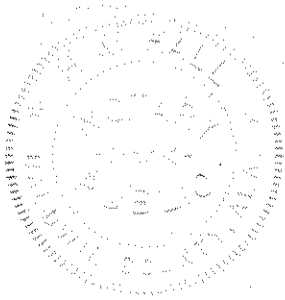
J. H. M. Hall

John L. Smith

STATE OF ALABAMA,
BALDWIN COUNTY.

I, H. M. Hall, a Notary Public, in and for said County, in said State, hereby certify that John L. Smith, 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 the same bears date.

Given under my hand and seal on this the 5th day of September, 1945.



J. H. M. Hall
Notary Public, Baldwin County, Alabama.

1399

PAULINE SMITH,

COMPLAINANT,

VS.

JOHN L. SMITH,

RESPONDENT.

ANSWER AND WAIVER

~~Filed~~ Sept 10 1941
Per [Signature]
[Signature]



STATE OF ALABAMA,
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

WE COMMAND YOU that you summon JOHN L. SMITH, 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 PAULINE SMITH, against ehs aid JOHN. L. SMITH, 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 ___ day of September, 1945.

Register.

PAULINE SMITH,

COMPLAINANT,

VS.

JOHN L. SMITH,

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:

Your Complainant, PAULINE SMITH, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both bona fide residents of Baldwin County, Alabama, and over twenty-one years of age;

2.

That your Complainant and the Respondent were married at Perdido, in Baldwin County, Alabama, on November 2, 1941, and lived together as husband and wife, in Baldwin County, Alabama, until September 3, 1945;

3.

That on September 3, 1945, and at various dates prior thereto, the Respondent cursed, threatened and abused the Complainant and often did violence to her person which necessarily endangered her life and health; that the Respondent drinks heavily and while under the influence of liquor always abuses

the Complainant; that the conduct of the Respondent was such as to give the Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with him he would carry out his threats and do further violence to her person which would necessarily endanger her life and health.

4.

That there was born to the marriage between the Complainant and the Respondent, two children, Johnnie Wayne Smith, and Janice Ruth Smith, ages two years and 4 months respectively; that the said children are now with their mother who is capable and able to care and provide for them; that the Respondent is not a suitable, fit or proper person to have their care, custody and control.

WHEREFORE, the premises considered, Complainant prays that your Honor will by proper process, make the said John L. Smith 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 your Honor will, upon the hearing hereof, 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 she be awarded the care, custody and control of the said minor children, Johnnie Wayne Smith; and Janice Ruth Smith; Complainant prays for 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:



Solicitors for the Complainant.

1394

PAULINE SMITH,
COMPLAINANT,
VS.
JOHN L. SMITH,
RESPONDENT.

SUMMONS AND COMPLAINT

July 10 - 1945
Pauline Smith

FILED

CLERK OF DISTRICT COURT