

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

LORENE SMITH Complainant

VS.

FLOYD SMITH 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 here-
tofore existing between the Complainant and Defendant be, and the same are hereby, dissolved,
and that the said Lorene Smith
is forever divorced from the said Floyd Smith

for and on account of Adultry.

It is further ordered, adjudged and decreed by the Court that the
Respondent pay to the Complainant, as permanent alimony, the sum of \$10.00
per week, such amount to be paid on Saturday of each and every week here-
after until the further orders of this Court.

It is further ordered, adjudged and decreed by the Court that the
Complainant be, and she is hereby awarded the custody of the two minor
children; Janette Smith, and Annette 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 Lorene Smith
the Complainant pay the cost herein to be taxed, for which execution may issue.

This 28th day of September, 1945

J. 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. 1417 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 Lorene Smith, and Idell Franklin McBride,

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

Lorene Smith Complainant

and

Floyd Smith Respondent

on oath, to be by you administered, upon Lorene Smith, and Idell Franklin McBride, to take and certify the deposition^s of the witness ^{es} and return the same to our Court, with all convenient speed, under your hand.

Witness 25th day of September, 1945.

[Handwritten Signature]

Register

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 1417

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Smith

Complainant

vs.

Smith

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

Exhibit

~~CIVIL SUBPOENA—ORIGINAL~~—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

**THE STATE OF ALABAMA
BALDWIN COUNTY**

} Case No. 1417 Sept 30 Term, 1946
CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon L. Moya, Benjamin Cobb

if to be found in your County, at the instance of the Sept

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8:30 o'clock of the forenoon, on the 30 day of Sept, 1946

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lorene Smith Plaintiff

and Floyd Smith Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 28 day of Sept 1946

R. S. Duck Clerk

Received in office this _____ day of _____
_____ 194_____

SHERIFF

I have executed this writ

By serving copy on
L. Moxley
Benjamin Cobb
Sept 27 1946

C. E. Garrett
W. H. Hall P. 5 **SHERIFF**

ORIGINAL

No. 1417

Page _____

THE STATE OF ALABAMA
Baldwin County

C I R C U I T C O U R T

Lorene Smith

Plaintiff

VS.

Floyd Smith

Defendant

C I V I L S U B P O E N A

Issued this _____ day of _____

25
Sept

_____ 194_____

B. S. Much
Clerk.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

LORENE SMITH

Complainant

VS.

FLOYD SMITH

Respondent

I, Lillian Patterson

as ~~Register and~~ Commissioner

have called and caused to come before me Lorene Smith, and Idell Franklin McBride,

witnesses named in the Requirement for Oral Examination, on the 25th day of September, 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 Lorene Smith, and Idell Franklin McBride, doth depose and say as follows:

My name is Lorene Smith. I am the complainant, in the above cause. I am over twenty-one years of age and a bona fide resident of Baldwin County, Alabama. The Respondent is over twenty-one years of age and a bona fide resident of Baldwin County, Alabama.

The Respondent and I married at Clanton, Alabama, on May 18th, 1934. We lived together as husband and wife until May 12th, 1945.

The Respondent while we were living together as husband and wife committed acts of adultery with one Mabel Campbell; that said acts of adultery were without my consent or approval and I have no condoned them.

We have two children; Janette Smith and Annette Smith, seven and three years of age. They are with me now, and have been all their lives. The Respondent is not a suitable or proper person to have their care and control.

Lorene Smith

Idell Franklin a witness for the Complainant being first duly sworn, deposes and says:

My name is Idell Franklin. I live at Foley in Baldwin County, Alabama, and am personally acquainted with the Complainant and the Respondent in this cause. The Respondent has recently committed acts of adultery with one Mabel Campbell. It is generally known in Foley that the Respondent has committed said acts with the said Mabel Campbell.

Idell Franklin McBride

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 witnesses; 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 25th day of September, 1945.

Lillian Patterson (L.S.)

NO. 1417 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Smith vs. Smith
Complainant

Respondent.

Oral Deposition

Filed Sept 28, 1945
General, 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 FLOYD 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 LORENE SMITH, against the said FLOYD 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 thereon.

WITNESS, R. S. DUCK, Register of said Court, this the 28 day of September, 1945.


Register

LORENE SMITH,

COMPLAINANT,

VS.

FLOYD SMITH,

RESPONDENT.

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

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

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

1.

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

2.

That your Complainant and the Respondent married at Clanton, Alabama, on May 18th, 1934, and lived together as husband and wife until May 12th, 1945;

3.

That on to-wit, May 12th, 1945, and at various times prior thereto, the Respondent committed acts of adultery with one Mabel Campbell, that said acts were without the consent or approval of the Complainant, and that she has not condoned said acts.

That there was born to the said marriage between the Complainant and the Respondent, two children, Janette Smith, and Annette Smith, ages seven and three years respectively, and who have all their lives been living with the Complainant, who is a suitable person to have their care, custody and control.

WHEREFORE, the premises considered, Complainant prays that your Honor will by proper process, make the said Floyd 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 a 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, Janette Smith, and Annette Smith; Complainant prays for such other, further, different, or general relief, ^{including permanent alimony} as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

BEEBE & HALL

By: *Wm. Lee*
Solicitors for the Complainant.

1417

RECORDED

LORENE SMITH,

COMPLAINANT,

VS.

FLOYD SMITH,

RESPONDENT.

SUMMONS AND COMPLAINT.

Filed Sept 28 1945
[Signature]

LORENE SMITH

COMPLAINANT

vs.

FLOYD SMITH

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 Lorene Smith,
and Idell Franklin McBride.

and in behalf of Defendant upon _____



Register.

No. 1417

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Smith

Smith vs.

NOTE OF TESTIMONY

Filed in Open Court this 28
day of Sept, 1945
Road
Register.

LORENE SMITH

COMPLAINANT

VS

FLOYD 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 respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That on September 28, 1945, a decree was rendered in the above styled cause granting to the Complainant a divorce from the Respondent and on account of adultery.

2.

That in, by and as a part of said decree the Complainant was awarded the custody of the two minor children, Jeanette Smith, and Annette Smith; that the Respondent was required to pay to the Complainant as permanent alimony the sum of TEN DOLLARS (\$10.00) per week, such amount to be paid on Saturday of each and every week until the further orders of the court.

3.

That the Respondent has failed and refused to comply with the decree of the court in paying alimony as was required.

WHEREFORE the premises considered, your Complainant prays that your Honor will issue a citation to the Respondent requiring him to appear and show cause why he should not be adjudged in contempt of court in failing to comply with the decree thereof.

Lorene Smith

Sworn to and subscribed before me on this the 4 day of September, 1946.

Shirley
Notary Public, Baldwin County, Alabama.

The Register is directed to issue a citation to be served on the Respondent by the Sheriff directing him to appear before me at the Court House in Bay Minette, Ala at 2 P.M. on Monday, Sept. 30th 1946, and show cause why he should not be adjudged in contempt (over)

Contempt of Court-

This Sept. 10th 1946-

J. M. Starr
Judge-

LORENN SMITH

COMPLAINANT

VS

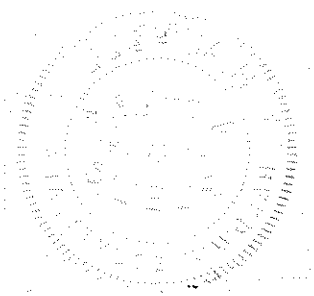
FLOYD SMITH

RESPONDENT

PETITION

Filed August 5 1946

R. M. Starr



LORENE SMITH
COMPLAINANT,

VS

FLOYD SMITH,
RESPONDENT,

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN EQUITY

KNOW ALL MEN BY THESE PRESENTS, that WHEREAS, the parties hereto are husband and wife and have decided that it is impossible for them to any longer live together as husband and wife, and

WHEREAS they have reached a full and complete agreement as to the care, custody and control of their minor children, and as to alimony.

NOW THEREFORE THESE PRESENTS WITNESSETH, that the Complainant shall have the care and custody of the minor children: Janette Smith and Annette Smith, and that the Respondent shall pay to the Complainant, as permanent alimony the sum of Ten (\$10.00) dollars per ~~WEEK~~, such amount to be paid on Saturday of each and every week hereafter, until the further orders of this Court.

IN WITNESS WHEREOF THE parties hereto have hereto set their hands and seals on this the 18th day of September, 1945.

Lorene Smith (SEAL)

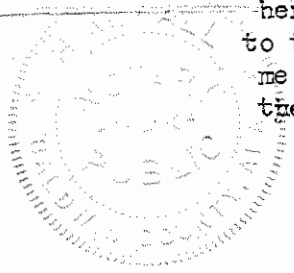
Floyd Smith (SEAL)

STATE OF ALABAMA)
BALDWIN COUNTY)

I, H. M. Hall, a Notary Public in and for said County in said State hereby certify that Lorene Smith and Floyd Smith, whose names are signed to the foregoing instrument, and who are known to me, acknowledged, before me on this day, that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Witness my hand and seal on this the 18th day of September, 1945.

H. M. Hall
Notary Public, Baldwin Co., Ala.



1417

LORENE SMITH,
COMPLAINANT,

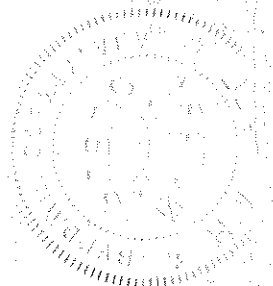
VS.

FLOYD SMITH,
RESPONDENT.

RECORDED

AGREEMENT.

Filed Oct 28-1945
R. P. [Signature]



LORENE SMITH
Complainant.

VS.

FLOYD SMITH
Respondent,

Y
Y
Y
Y
Y
Y
Y

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

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA

YOU ARE COMMANDED to cite the Respondent, Floyd Smith to be and Appear before me at ~~Day~~ Minette Alabama, on the 30th day of September 1945 at 2.P.M. and show cause as to why he should not be adjudged in ~~contempt~~ contempt of Court and punished accordingly for an alleged violation of a Decree of this Court made and entered September 28th 1945.

You will serve a copy of this order on said Respondent, Floyd Smith and make your return on the Original Order.

10th
This September 1946

F. W. Hare
F. W. Hare.
Judge

1417

X

LORENE SMITH.

VS.

FLOYD SMITH.

Wiley

CITATION.

*Executed by serving
copy on Floyd Smith
Sept 14 1946*

*C. E. Garrett Sheriff
H. F. Hall P. Sheriff*

ISSUED Sept. 10. 1946

R. Anderson
Register.

LORENE SMITH
COMPLAINANT,

VS

FLOYD SMITH
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

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

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

Floyd Smith

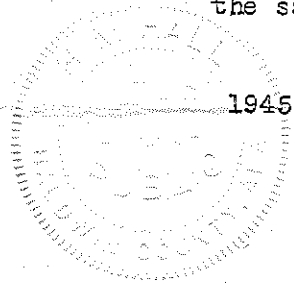
STATE OF ALABAMA)
BALDWIN COUNTY)

I, H. M. Hall, a Notary public in and for said County in said state hereby certify that Floyd 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 said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 18th day of September,
1945.

H. M. Hall

Notary Public, Baldwin Co., Ala.



1419

RECORDED

LORENE SMITH,
COMPLAINANT,

VS.

FLOYD SMITH,
RESPONDENT.

ANSWER AND WAIVER.

Filed Sept 28, 1945
Russell
Proctor

