

ALMA LAURA SMITH,  
PLAINTIFF,  
VS  
CLAUD SMITH,  
DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

BILL OF COMPLAINT

PART ONE

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

PART TWO

Your Petitioner, Alma Laura Smith, a resident of the County  
of Baldwin in this State and over the age of twenty-one years, re-  
spectfully exhibits this her bill of complaint against Claud Smith  
a non-resident of the State of Alabama and a resident of the State  
of Mississippi, residing at Laurel, Mississippi, who is also over  
the age of twenty-one years.

PART THREE

For complaint against said Defendant Your Petitioner repre-  
sents as follows:-

That Your Petitioner and said Defendant were legally married  
in Meridian, Mississippi on the 23rd day of January, 1920 and that  
ever since said marriage Your Petitioner has at all times conduct-  
ed herself towards the Defendant as a faithful and dutiful wife.

That Your Petitioner has been a bona fide resident of Baldwin  
County, Alabama for more than five (5) years preceding the filing  
of this bill.

That on or about the 1st day of July, 1926 the Defendant was  
convicted in the courts of the State of Mississippi of a felony  
and was sentenced to the penitentiary of the State of Mississippi  
for a term of seven (7) years and that said Defendant was confined  
and incarcerated in the Mississippi State penitentiary, under said  
sentence for more than two (2) years.

That the issue of the marriage between the parties is two (2) children, James Smith, aged twelve years and Clifford Smith, aged seven years and Your Petitioner alleges that she is, and that the Defendant is not, a fit and proper person to have the custody and control of said minor children.

PART FOUR

Wherefore, Your Petitioner prays that she may be granted an absolute divorce from the Defendant; that she may be granted the custody of the before mentioned minor children of the parties and that she may have such other and further relief in the premises as may be just and equitable.

PART FIVE

And Your Petitioner further prays that all necessary summons, subpoenas and writs may be issued out of this Honorable Court directing and commanding the Defendant Claud Smith to appear within thirty (30) days after the service thereof before Your Honor in this Honorable Court then and there to answer all and singular the premises, and to stand to and abide such order and decree therein as to this Honorable Court shall seem meet; and Your Petitioner shall ever pray, etc.

  
Solicitor for Plaintiff.

FOOT NOTE

The Defendant, Claud Smith, is hereby required to answer all of the allegations of the above bill from Part One to Part Four thereof, inclusive, but not under oath, oath to said answer being expressly waived.

  
Solicitor for Plaintiff.

STATE OF ALABAMA    )  
BALDWIN COUNTY.    )

Alma Laura Smith, being first duly sworn, on her oath deposes and says that she is the Plaintiff in the above entitled cause of

action; that she has read and knows the contents of the foregoing bill of complaint and that the facts therein set forth are true.

Abigail Anna Smith

Subscribed in my presence and sworn to before me this 22nd day of April, 1933.

Seal

David H. H. H. H.  
Notary Public.

1933  
April 22  
Abigail Anna Smith

Alma Laura Smith

v.

Claude Smith

Copy Bill of Complaint

Filed April 24, 1933.

J. W. Richardson  
Register.

Stacy A. Magney  
att'y for Def.

THE STATE OF ALABAMA, }  
Baldwin County.

No. 1110

Circuit Court, In Equity

ALMA LAURA SMITH

Complainant.

vs.

CLAUD SMITH

Defendant.

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant.

It is further ordered that the said Alma Laura Smith be, and she is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Alma Laura Smith pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may be issued against the said Claud Smith

It is further ordered, adjudged and decreed that said Alma Laura Smith shall not again marry except to said Claud Smith until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Claud Smith

It is further ordered adjudged and decreed that the complainant have the custody and control of the two minor children, viz: James Smith, and Clifford Smith

This 13<sup>th</sup> day of June 1933.

Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA, }  
Baldwin County.

Circuit Court, In Equity.

I, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the day of 193 in the cause of

Complainant

vs.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the day of 193

Register

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

**THE STATE OF ALABAMA,  
BALDWIN COUNTY**

**CIRCUIT COURT, IN EQUITY  
Baldwin County, Ala.**

Alma Laura Smith

vs.

Claud Smith

**DECREE OF DIVORCE**

Filed in office this

13

day of

June

1932

*W. R. Reem*

REGISTER

E. O. M.

MOORE PRINTING CO., BAY MINETTE, ALA.

ALMA LAURA SMITH,  
PLAINTIFF,  
vs  
CLAUD SMITH,  
DEFENDANT.

) IN THE CIRCUIT COURT OF  
( BALDWIN COUNTY, ALABAMA  
)  
( DEPOSITION OF WITNESSES  
) IN BEHALF OF PLAINTIFF  
(  
(  
(

Alma Laura Smith being by me first duly sworn, did depose and say:

My name is Alma Laura Smith and I am the Plaintiff in this action for divorce.

I was legally married to the Defendant Claud Smith in Meridian, Mississippi on the 23rd day of January, 1920. After my marriage to the Defendant I lived in the State of Mississippi until the year 1928. In 1924 my family, viz: my father and brothers and sister, moved to Summerdale in Baldwin County, Alabama and in 1928 I moved there also and have lived in Baldwin County, Alabama ever since with the intention of making it my permanent home.

I was sixteen (16) years old at the time I was married and my husband, the Defendant, has been in the penitentiary or in jail almost ever since we were married.

Just about six (6) months after we were married my husband was arrested and tried and convicted upon the charge of breaking and entering and was sentenced to serve a term of five (5) years in the state penitentiary. He served that sentence and I waited for him and shortly after he was released from the penitentiary he was again arrested, charged with a criminal trespass, tried and convicted and sentenced to two (2) years hard labor on the county roads and, of course, during all of that time he was away from home.

During the time that he was working on the road gang and just before his term expired he got into an altercation with a negro who was also working on the road gang and the Defendant struck

this negro with an axe and killed him. He was indicted for murder and was convicted of manslaughter and sentenced to another term of seven (7) years in the Mississippi State Penitentiary. This was about July 1, 1926 and he served more than two (2) years of that sentence, and in fact was just released at the time I filed this divorce action. I do not know whether he was paroled or whether he got an allowance for good behaviour but his seven (7) years would not have expired until next July.

As a result of this marriage there are two children, James Smith aged about twelve (12) years and Clifford Smith aged seven (7) years. I have always taken care of these children and am competent to continue to do so. My husband never has contributed to our support and I have always been obliged to support myself and the children.

I know that the Defendant will commit some other crime and be imprisoned again as it is his nature to do so and for that reason I desire a divorce from him.

Alma Laura Smith

#### TESTIMONY OF JOHN HARRISON

My name is John Harrison. I am 26 years of age and reside at Summerdale in Baldwin County, Alabama. I am a brother of Alma Laura Smith, the Plaintiff in this divorce action.

I know that she has been a bona fide resident of Baldwin County, Alabama for the past five (5) years and that she intends to make this her permanent home.

I know the Defendant Claud Smith and know that he has been imprisoned or in jail practically all of the time since they were married in the year 1920.

He was first convicted for breaking and entering and sentenced to serve the term of five (5) years; within a few months after he had served this term he was arrested and sentenced to two (2) years



on the road gang for a trespass and before that sentence had been completely served he killed a negro and was tried and convicted for manslaughter and sentenced to a term of seven (7) years in the Mississippi State Penitentiary.

This was about July 1, 1926 and he was in the penitentiary from that time until a few weeks ago when he was released.

My sister has always had to work and support herself and her two children and she is competent to do so and has taken good care of the children and has raised them properly. At present she is making her home with us in Summerdale, Alabama.

John Harrison

CERTIFICATE OF COMMISSIONER

STATE OF ALABAMA     )  
BALDWIN COUNTY.     )

I, L. F. Farrell do hereby certify that by virtue of the annexed commission heretofore issued to me on the 29th day of May, 1933 by the Register of Baldwin County, Baldwin County, Alabama, I did on the 6th day of June, 1933 at my office in Foley, Alabama, call before me Alma Laura Smith and John Harrison, witnesses in behalf of the Plaintiff in the case of Alma Laura Smith vs Claud Smith; that said witnesses were each by me duly cautioned and sworn and their testimony was by me reduced to writing and subscribed by each of said witnesses; that I am not of counsel nor of kin to any of the parties to said cause nor in any manner interested in the result thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of June, 1933.

L. F. Farrell  
Commissioner.

The State of Alabama, }  
Baldwin County

CIRCUIT COURT

To MR. L. F. FARRELL

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 Alma Laura Smith and John Harrison

as witnesses in behalf of COMPLAINANT in a cause pending in our Circuit Court of Baldwin County, of said State, wherein ALMA LAURA SMITH

Complainant

and CLAUDE SMITH

Defendant,

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

Witness 29th day of MAY 19 33



REGISTER

COMMISSIONER'S FEE, \$ 5.00WITNESS' FEES, \$ 1.50

NO. \_\_\_\_\_

**The State of Alabama**  
**BALDWIN COUNTY**  
**CIRCUIT COURT**

**ALMA LAURA SMITH**

Complainant

vs.

**CLAUD SMITH**

Defendant

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER:**

**L.F. FARRELL**

**WITNESSES:**

LLOYD A. MAGNEY  
ATTORNEY AND COUNSELLOR AT LAW  
FOLEY, ALABAMA

April 22, 1935.

Hon. T. W. Richerson,  
Clerk of Circuit Court,  
Bay Minette, Alabama.

Dear Mr. Richerson:-

I enclose herewith Bill of Complaint of Alma  
Laura Smith vs. Claud Smith, an action for divorce;  
also Voluntary Appearance and Waiver of Summons from  
the Defendant, which will make unnecessary any ser-  
vice.

Please docket the case on the chancery docket.

Very truly yours,

encl.  
lam/lff

A handwritten signature in cursive script, appearing to read "Lloyd A. Magney", is written over the typed name.




That the issue of the marriage between the parties is two (2) children, James Smith, aged twelve years and Clifford Smith, aged seven years and Your Petitioner alleges that she is, and that the Defendant is not, a fit and proper person to have the custody and control of said minor children.

PART FOUR

Wherefore, Your Petitioner prays that she may be granted an absolute divorce from the Defendant; that she may be granted the custody of the before mentioned minor children of the parties and that she may have such other and further relief in the premises as may be just and equitable.

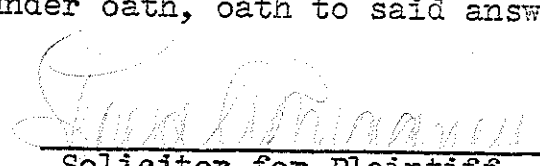
PART FIVE

And Your Petitioner further prays that all necessary summons, subpoenas and writs may be issued out of this Honorable Court directing and commanding the Defendant Claud Smith to appear within thirty (30) days after the service thereof before Your Honor in this Honorable Court then and there to answer all and singular the premises, and to stand to and abide such order and decree therein as to this Honorable Court shall seem meet; and Your Petitioner shall ever pray, etc.

  
Solicitor for Plaintiff.

FOOT NOTE

The Defendant, Claud Smith, is hereby required to answer all of the allegations of the above bill from Part One to Part Four thereof, inclusive, but not under oath, oath to said answer being expressly waived.

  
Solicitor for Plaintiff.

STATE OF ALABAMA     )  
BALDWIN COUNTY.     )

Alma Laura Smith, being first duly sworn, on her oath deposes and says that she is the Plaintiff in the above entitled cause of

action; that she has read and knows the contents of the foregoing  
bill of complaint and that the facts therein set forth are true.

Alma Louise Smith

Subscribed in my presence and sworn to before me this 22nd day  
of April, 1933.

Reed Thompson  
Notary Public.

ALMA LAURA SMITH

vs.

CLAUD SMITH

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,.....

Depositions of Alma Laura Smith & John Harrison.....

and in behalf of Defendant upon..... Voluntary appearance and waiver of summons

*J. M. Harrison*  
Register.



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

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

ALMA LAURA SMITH

VS

CLAUD SMITH

NOTE OF TESTIMONY

Filed in Open Court this 9<sup>th</sup>

day of June 1923

*M. J. Henderson*

Register

ALMA LAURA SMITH,  
PLAINTIFF,  
vs  
CLAUD SMITH,  
DEFENDANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

VOLUNTARY APPEARANCE AND  
WAIVER OF SUMMONS

Comes now Claud Smith, the above named Defendant, and hereby enters his voluntary appearance in the above entitled cause and expressly waives the issuance and service of summons.

Dated this 13 day of April, 1933.

Claude C. Smith  
Defendant.

cc 4715. 5140  
April 13/1933  
Baldwin County, Alabama  
Circuit Court of Chancery  
Baldwin County, Alabama  
Voluntary Appearance and Waiver of Summons  
Claude C. Smith  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

ALMA LAURA SMITH,

PLAINTIFF,

VS

CLAUD SMITH,

DEFENDANT.

VOLUNTARY APPEARANCE AND WAIVER  
OF SUMMONS

*Filed April 24, 1933.*  
*J. M. Richardson*  
*Register.*

LLOYD A. MAGNEY,  
Attorney for Plaintiff.