(1170)

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 HOW. 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, respectfully 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 represents 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 conducted 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, afit 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, supboenas 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.

Ghuadana dinita

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

Notary Public.

alma Laura Smith Claude Smith Copy Bee of Complaint

Filed afril 24, 1933. Michimum Register.

Lloyd, a magney

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ALMA LAURA SMITH Complainant This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree two confesso and the testimony as noted by the Register: and, upon consideration thereof, the Court in opinion that the Complainant is entitled to the relief prayed for in said bill, or opinion that the Complainant is entitled to the relief prayed for in said bill. It is further ordered that the said Alma Laura Smith Le and S be is hereby permitted to again contract marriage, upon the payment of the coats of Count in this cause. It is further ordered, that the said Alma Laura Smith Laura Smith This further ordered, adjudged and decreed that said Alma Laura Smith This further ordered, adjudged and decreed that said Alma Laura Smith This further ordered, adjudged and decreed that said Alma Laura Smith This further ordered, adjudged and decreed that said Alma Laura Smith This further ordered, adjudged and decreed that said Alma Laura Smith This further ordered adjudged and decreed that said Alma Laura Smith This further ordered adjudged and decreed that said Alma Laura Smith This further ordered adjudged and decreed that said Alma Laura Smith This further ordered adjudged and decreed that said Alma Laura Smith This further ordered adjudged and decreed that the complainant had the castody and control of the two minor children, viz: James Smith This day of Judged for the Create Court of Baldwin County. STATE OF ALABAMA, Circuit Court, In Equity. In Register of said Circuit Court of said Court, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered be said Court on the day of said Court, this the course of said Court on the day of said Court, this the course of said Court on the said Court. Witness my hand and the seal of said Court, this the							
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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 Lawra 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.

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.

S.J. Daville

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The State of Alabama, Baldwin County

CIRCUIT COURT

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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, 1933.

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 service.

Please docket the case on the chancery docket.

encl. lam/lff

ALMA LAURA SMITH,

PLAINTIFF,

77 9

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, respectively 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 represents 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 conducted 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, afit 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, supboenas 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.

Olane Bourn Smith

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

Notary Public.

Michael Register.

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THE STATE OF ALABAM BALDWIN COUNTY		
IN EQUITY, CIRCUIT COURT OF BALDWIN		ΤΥ.
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ALMA LAURA SMITH		
vs		** ** *
CLAUD SMITH		
NOTE OF TESTIMONY		
Filed in Open Court this 9th		
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ALMA LAURA SMITH,
PLAINTIFF,

VΩ

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 (48) day of April, 1933.

Cloude C. Smith

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN CHANCERY

ALMA LAURA SMITH, PLAINTIFF,

VS

CLAUD SMITH,

DEFENDANT.

VOLUNTARY APPEARANCE AND WAIVER OF SUMMONS

File april 24, 1933.

Domichuson
Register.

LLOYD A. MAGNEY, Attorney for Plaintiff.