

ANSWER & WAIVER

THOMAS GIVENS
Complainant,

vs.

BESSIE BOYINGTON GIVENS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY. No. _____.

Comes the Respondent in the above styled cause and for answer to the complaint filed, therein, says as follows:

1. The Respondent admits the allegations of Paragraph One.

2. The Respondent denies each and every allegation contained in paragraph 2.

The Respondent waives notice of the time of and taking of testimony in this cause as well as other procedure.

The Respondent ask that she be given the right to marry again, and the right to use her maiden name of Bessie Boyington upon final decree of this cause.

Attest:

Tom L. Bailey

Eric A. Bendell

Bessie Boyington Givens
Respondent.

Note: I hereby accept service of the Bill of Complaint in the above styled cause, dated this _____ day of December, 1936. A.D.

Bessie Boyington Givens
Respondent.

THOMAS GIVENS

Complainant,

vs.

BESSIE BOYINGTON GIVENS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. _____

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY.

Your Complainant, Thomas Givens, exhibits this, his bill against Bessie Boyington Givens and respectfully shows unto your Honor as follows:

First:

That Complainant has been a bona fide resident of the State of Alabama, Baldwin County, for more than three years, next immediately preceeding the filing of this Bill of Complaint; that both the respondent and complainant are over the age of twenty-one years and that complainant married respondent on or about September 23rd, 1933 in the City of Pensacola, Florida, and further that there are no children of said marriage.

Second:

Complainant alleges and avers that the respondent lived with him as husband and wife from September 23rd, 1933 to about December 1934, at which time the respondent voluntarily left the bed and board of your complainant without cause or fault on his part and has never returned to your complainant, nor cohabited with him as husband and wife from that date to the date of the filing of this bill. Said abandonment by respondent continuing for more than two years next, preceding the filing of this Bill.

Prayer for Process:

The premises considered, complainant prays that said Bessie Boyington Givens, be made a party to this Bill of Complaint and that she be brought into Court by any method used by this court, directing her to plead, answer or demur to the allegations as set out against her in said Bill of Complaint as filed in this cause in all respects as required by law under the rules of this Honorable Court.

Prayer for Relief:

And your complainant prays that upon the final hearing of this cause, this Honorable Court will grant unto him an absolute divorce, dissolving entirely the bonds of matrimony now existing between him and Bessie Boyington Givens and granting him the right to marry again, and your complainant prays for such other and further relief as in Equity and good conscience he may be entitled to in the premises for which he will ever pray.


SOLICITOR FOR COMPLAINANT.

Foot Note:

The respondent is required to answer, but not under oath, the same being hereby expressly waived, as to each and every paragraph of the foregoing Bill of Complaint, numbering from One to two both inclusive.


SOLICITOR FOR COMPLAINANT.

The State of Alabama, {
Baldwin County }

CIRCUIT COURT

To Joyce Ganus,

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 V. L. Nims, and Thomas Givens,

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

Complainant
and Bessie Boyington Givens

Defendant,
on oath to be by you administered, upon V. D. Nims and Thomas Givens,
to take and certify the deposition of the witnesss and return the same to our Court, with all convenient speed, under your hand.

Witness 14th day of December 1936

Robert B. Duck

REGISTER

COMMISSIONER'S FEE, \$ 5.00

WITNESS' FEES, \$ _____

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

THOMAS GIVENS

COMPLAINANT

VS.

BESSIE BOYINGTON GIVENS

RESPONDENT

I, Joyce Ganus,

as Register and Commissioner

have called and caused to come before me V. L. Nims, and Thomas Givens,

witnesses named in the requirement for Oral Examination, on the 15th day of December
1936, at the office of Orvis M. Brown, Robertsdale,

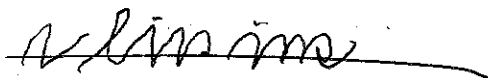
in Robertsdale, Alabama, and having first sworn said witnesses to speak the
truth, the whole truth, and nothing but the truth, the said V. L. Nims, and

Thomas Givens doth depose and say as follows:

Testimony of V. L. Nims, Robertsdale, Alabama.

My name is V. L. Nims, I am a resident of Robertsdale, Alabama, I have known, Thomas Givens and Bessie Boyington, every since they were small children. I know that they were married in Pensacola Florida, in September of 1933, that they both are over the age of twenty one years old, and further that they are now seperated and have been seperated for over two years next preceeding this date. I know of my own knowledge that there are no children of this marriage.

I know that they lived together until about December of 1934, and that she left him without any fault of his and she has not returned to him although he was willing at all times to receive her back, and tried on severall ocasions to get her to return to him but she refused, and still refuses to return to him.



RECORDED
Book
IN EQUITY NO. 283
6-558

THOMAS GIVENS,

Complainant,

vs.

BESSIE BOYINGTON GIVENS,

RESPONDENT.

BILL OF COMPLAINT.

Filed December 14
D. S. Duck,
Register

OLIVES M. BROWN,
Solicitor for Complainant

NO _____

The State of Alabama
BALDWIN COUNTY

CIRCUIT COURT

Complainant _____
vs. _____

Defendant _____

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Joyce Harner

WITNESSES:

ORAL EXAMINATION

I, Joyce Ganus, as Register and Commissioner hereby certify that the foregoing deposition s on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and Orvis M. Brown, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof 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 15th day of December, 1936..

Joyce Ganus (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed December 16, 1936

G. S. D. Webb, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

Testimony of Thomas Givens

My name is Thomas Givens, I live at Robertsdale, Alabama, I am over the age of twenty one years, and Bessie is also over the age of twenty one years, we were married in Pensacola, Fla, in September of 1933, we lived to-gether about one year or until about December of 1934 when Bessie left me without any fault of mine and against my will and desire, and she has constantly refused to return to me ever since, I have tried on many ocasions to get her to return but she constantly refuses.

There was not any children born to use of this marriage, and we have not lived to-gether since the fileing of this Bill and have not lived to-gether since that she left me in December of 1934.

She has not lived with me at any time within the past two years before the fileing of this Bill.

I have at all times been willing to accept her back but she refuses to agains join me.

Thomas Givens

 Thomas Givens

 vs.

 Bessie Boyington Givens

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 V. L. Nims and Thomas Givens,

and in behalf of Defendant upon Answer and Waiver, asking for right of
 marriage again.

R. S. Duck
 Register.

8550 REQUEST FOR DECREE IN VACATION.

Moore Ptg. Co.

STATE OF ALABAMA,
 BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Fall Term, 1936

Thomas Givens, Complainant

Vs.

Bessie Boyington Givens, Defendant

To Hon. Robert S. Duck, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant,
 and evidence having been taken, and the cause being ready for submission for final decree, and no
 defense having been interposed, the Complainant, by Orvis M. Brown,

 Solicitors of record, now files with the Register of this Court
 this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Orvis M. Brown
 Solicitor for Complainant.

No. _____

RECORDED
6-5-59
Shuck

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this 16

day of September 1936

Q. S. Shuck

REGISTER

MOORE PRINTING CO., BAY MINNETTE, ALA.

No. _____

Page 6-5-59

RECORDED
Shuck

The State of Alabama,
Baldwin County,
CIRCUIT COURT, IN EQUITY

REQUEST FOR DECREE IN
VACATION

Vs.

Filed September 16, 1936

Q. S. Shuck

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Ptg. Co. Bay Minette

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

THOMAS GIVENS

Complainant

vs.

BESSIE BOYINGTON GIVENS

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Answer & 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 THOMAS GIVENS is forever divorced from the said

BESSIE BOYINGTON GIVENS

for and on account of Abandonment

It is further ordered that Bessie Boyington Givens, shall have the right to use her maiden name again of Bessie Boyington, and shall have the right to again contract marriage.

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.

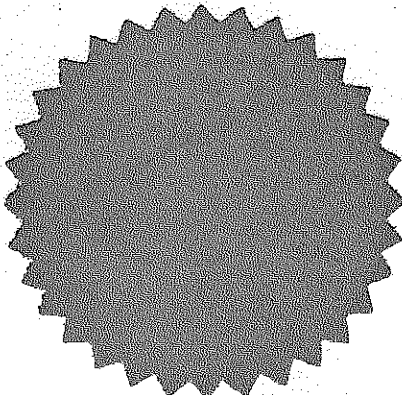
It is further ordered that Thomas Givens be, and he is hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Thomas Givens the Complainant, pay the cost herein to be taxed, for which execution may issue.

This 19th day of December, 1936.

[Signature] Judge Circuit Court, in Equity.

I, R. S. Duck, Register of the Circuit Court for 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 December, 1936.

Register of Circuit Court, in Equity.

Book
RECORDED Page *2-234*

No. _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

vs. Complainant.

Respondent.

DIVORCE DECREE

Filed Dec 21 1936
W. H. Dwyer
Register



January 12th 1922

Received from Dr. A. Brown

Five and 00/100 — Dollars

Commission for Dr. Brown vs. Brown

Joyce E. James

Commissioner