

WILDA STEWART

Complainant,

VS.

IRVIN STEWART,

Defendant.

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 Wilda Stewart and Charlie Stewart

and in behalf of Defendant upon Acceptance of Service, Answer and Verdict

R. S. Duck

Register.

507

WILDA STEWART,
Complainant,
VS.
IRVIN STEWART,
Respondent.

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

This cause coming on to be heard was submitted upon the original Bill of Complaint, and Pleadings and Proof as noted by the Register, and the Court, after due consideration, is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby dissolved, and the Complainant is forever divorced from the Respondent on the ground of cruelty.

IT IS FURTHER ORDERED that the Complainant and Respondent be and they are hereby permitted to again contract marriage upon the payment of the costs in this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs herein taxed, for which execution may issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said WILDA STEWART shall not again marry, except to the said IRVIN STEWART, until sixty days after this date, and that if an appeal is taken within sixty days, she shall not again marry, except to the said IRVIN STEWART, during the pendency of the appeal.

Dated at Monroeville, Monroe County, Alabama, this 7th day of December, 1938.

L. M. Hare
Judge of the Circuit Court of Baldwin County, Alabama.

The State Of Alabama, } Circuit Court of Baldwin County In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon
IRWIN STEWART,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

WILDA STEWART

against said IRWIN STEWART

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 5th day of December, 1938.

R. S. DUCK
clerk, - register

By _____, Register

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

BERNARD HALL & BIRNEY

FILED

RECORDED

WILDA STEWART,
Complainant,
VS.
IRVIN STEWART,
Respondent.

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

And now comes the Respondent, IRVIN STEWART, in his own proper person, and for answer to the Complainant's Bill of Complaint and to each count thereof, separately and severally says:

That he denies each and every allegation contained in the Bill of Complaint and demands strict proof of the same.

Irvin Stewart

WITNESSES:

Henry Luce

O. Bayne Jones

WILDA STEWART,
COMPLAINANT,
VS.
IRVIN STEWART,
RESPONDENT.

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

And now comes the Respondent, IRVIN STEWART, in his own proper person, and waives notice of the time of taking testimony on behalf of the Complainant, the right to cross-examine said witnesses, any and all notices as to the issuance of commissions to take testimony of witnesses on behalf of the Complainant and agrees that the matter be submitted for final decree forthwith without further notice.

Irvin Stewart

WITNESSES:

Shirley

O'Byrne Jones

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To O'BYRNE JONES:

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 WILDA STEWART AND CHARLIE STEWART

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

WILDA STEWART

Complainant

and IRWIN STEWART

Defendant,

on oath to be by you administered, upon them 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 6th day of Dec. 19 38

R. S. DUCK
Clerk - register

REGISTER

By *Arthur Thompson*
Deputy

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

WILDA STEWART,

Complainant,

VS.

IRVIN STEWART,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

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

And now comes your Complainant, WILDA STEWART, and humbly complaining against the Respondent, IRVIN STEWART, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant and the Respondent are both residents of Baldwin County, Alabama, and have been for more than three years next preceding the filing of this Bill of Complaint; that they are both over twenty-one years of age.

2. That your Complainant and the Respondent were married at Brewton, in Escambia County, Alabama, on May 20th, 1922, and lived together as husband and wife, in Baldwin County, Alabama, until November 26th, 1938.

3. That on to-wit, November 26th, 1938, and various times prior thereto, the Respondent cursed, abused and threatened your Complainant and often threatened to do violence to her person, which would necessarily endanger her life and health; that the conduct of the Respondent is such as to give your Complainant every reasonable apprehension to believe and she does actually believe that if she should continue to live with him, as his wife, he will carry out his threats and do actual violence to her person, which would necessarily endanger her life and health;

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said IRVIN STEWART party respondent to this Bill of Complaint, 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 upon a final hearing of this cause, your Honor will give and grant unto her a decree of divorce forever barring the bonds of matrimony existing between her and the Respondent, IRVIN STEWART; 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.

Wilda Stewart,
Complainant.

Berles Lee Baker
Solicitor for Complainant.

FOOT NOTE:

The Respondent; IRVIN STEWART, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 3, inclusive, but not under oath, oath being hereby expressly waived.

Wilda Stewart,
Complainant,

Berles Lee Baker
Solicitor for Complainant.

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

WILDA STEWART

Complainant,

VS.

IRVIN STEWART,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 6

day of DECEMBER 1938

By Handwritten Signature
REGISTER.

WAIVER:

WILDA STEWART,
Complainant,
VS.
IRVIN STEWART,
Respondent.

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

Filed Dec. 6, 1935
R. S. DUCK
clerk, - register
By *W. H. Thompson*
Deputy

RECORDED

ANSWER:

WILDA STEWART,
Complainant,
VS.
IRVIN STEWART,
Respondent.

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

Filed Dec. 6, 1935
R. S. DUCK
clerk - register
By *Arthur H. Young*
Deputy

RECORDED

Original

Serve On

Circuit Court of Baldwin County
IN EQUITY

No. 507

Summons

WILDA STEWART,
Complainant,

VS.

IRWIN STEWART,
Respondent.

BEEBE, HALL & BEEBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in Office this _____

day of _____, 193_____

Sheriff.

Executed this 5th day of Dec, 1938

by leaving a copy of the Summons with

Irwin Stewart

Defendant

M H W Jenkins

Sheriff

By John P. Beebe
Deputy Sheriff

WILCOX

FINAL DECREE OF DIVORCE

WILMA STEWART,
Complainant,

VS.

IRVIN STEWART,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed December 9, 1925
R. S. DUCK
clerk, 1925

By *William Thompson*
Plaintiff

RETURNED

BILL OF COMPLAINT.

BILL OF COMPLAINT

WILDA STEWART,
 Complainant,
 Vs.
 DAVID STEWART,
 Respondent.

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

Filed December 5, 1937
 R. S. DUCK
 clerk - register
 By *Walter H. Morgan*
 Deputy

The State of Alabama }
Baldwin County

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

WILDA STEWART

COMPLAINANT

VS.

IRVIN STEWART

RESPONDENT

I, C. BYRNE JONES

as ~~Register~~ and Commissioner

have called and caused to come before me Wilda Stewart and Charlie Stewart

witnesses named in the Requirement for Oral Examination, on the 6th day of December

1958, at the office of Beebe, Hall & Beebe

in Bay Minette, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Wilda Stewart

doth depose and say as follows:

My name is Wilda Stewart. I am the Complainant in the case of Wilda Stewart, Complainant, vs. Irwin Stewart, Respondent, now pending in the Circuit Court of Baldwin County, Alabama. The Respondent, Irwin Stewart and I are both over twenty-one years of age and have been bona fide residents of Baldwin County for more than three years next preceding the filing of this Bill of Complaint. The Respondent and I were married at Brewton, in Escambia County, Alabama, on May 20th, 1922. We lived together as husband and wife, in Baldwin County, Alabama, until November 26th, 1958.

That on to-wit, November 26th, 1958, and various times prior thereto, the Respondent, Irwin Stewart, cursed, abused and threatened me and often threatened to do violence to my person, which would necessarily endanger my life and health; that the conduct of Irwin Stewart is such that I have every reasonable apprehension to believe and do actually believe that if I should continue to live with him as his wife, he will carry out his threats and do actual violence to my person, which would necessarily endanger my life and health; that the conduct of the Respondent has been such during the past two years that it has caused me to have nervous spells; that they have grown worse from time to time and I have continued to lose weight and my health is not such that I feel it would be seriously injured if I have to continue to live with him as his wife.

Wilda Stewart

CHARLIE STEWART, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

My name is Charlie Stewart. I am personally acquainted with both Wilda Stewart and Irwin Stewart. I have known them during the entire time that they have lived together as husband and wife and have been around them from time to time during that time. I know that during the past two years the Complainant has been suffering with nervous spells, which I understand have been caused by the conduct of the Respondent. While I have never known of the Respondent actually striking the Complainant, he has from time to time cursed and abused her. The conditions have grown to such a point that they can no longer live together as husband and wife and the best interest of both will be served by a separation and divorce. In my opinion they cannot longer live together as husband and wife.

Charlie Stewart

ORAL EXAMINATION

I, O'Byrne Jones, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to them and they signed the same in the presence of myself and Hubert E. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness or; 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 6th day of December 19 38.

O'Byrne Jones (L. S.)
Commissioner

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

WILDA STEWART
COMPLAINANT

vs.

IRVIN STEWART
RESPONDENT

ORAL DEPOSITION

Filed Dec 6, 19 38

R. S. DUCK

clerk, - register

Register

By Hubert E. Hall
Deputy

Record

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Register