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 Bena Dean
 vs.

 Amos Dean

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,
 .. Service of Summons, Deposition of Bena Dean, D. D. Sawyer, and ...
 D. N. Sawyer,

and in behalf of Defendant upon Answer

M. A. Stone
 Register.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTO CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 65 July Term, 1934

Bena Dean, Complainant

vs.

Amos Dean, Defendant

To M. A. Stone, 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 S. C. Jenkins

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.

S. C. Jenkins
Solicitor for Complainant.

Bena Dean, Complainant)

vs)

Amos Dean, Respondent)

In The Circuit Court of Baldwin County

State of Alabama.

In Equity .

Comes Amos Dean, the person named as respondent in the above styled cause and for answer to the Bill of Complaint herein says: He denies each and every allegation of the same and demands strict proof of the same, except that he admits that he, Amos Dean, and Bena Dean were legally - married in Baldwin County, on towit, July 12th, 1923 and that they lived together as husband and wife until they parted or separated, on towit, the 31st day of August, 1926 and that they have not since said time lived as together as husband and wife; he , also, admits they are both over the age of twenty one years and both are residents of Baldwin County, Alabama. He, also, waives service of subpoena of this cause by the sheriff of Baldwin county, Alabama, also, waives copy of interrogatories that may be - taken in the case and waives the right to cross -examine the taking of oral testimony by witnesses and the time and place of taking said testimony either by oral examination or upon interrogatories and he consents that this cause may be submitted to the Circuit Judge for a decree in vacation on note of testimony to be taken and made by the register .

Executed in presence of

Amos Dean

Orus Dean
Frank J. Jernigan

The State of Alabama, } No. 65 CIRCUIT COURT IN EQUITY
Baldwin County }

Bena Dean Complainant
vs.
Amos Dean 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, on account of

Abandonment

It is further ordered, that the said Bena Dean 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 Bena Dean 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 issue against the said Amos Dean

It is further ordered, adjudged and decreed that the said Bena Dean shall not again marry except to said Amos Dean until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Amos Dean

during the said pendency of appeal

And it is further ordered, adjudged and decreed that the said Bena Dean be awarded the care, custody and control of the two minor children of this marriage, namely, Catherine Dean and Carroll Dean.

This 11 day of July 19 34

J. W. Hare
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 _____, 19____, 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 _____, 19____

Register

Bena Dean, Complainant }
vs
Amos Dean, Respondent }

In The Circuit Court of Baldwin County,
Alabama.
In Equity .

To the Honorable Francis W Hare, Judge of the Twenty First Judicial
Circuit of Alabama, which includes Baldwin County:

Humbly complaining, your Oratrix, Bena Dean, respectfully represents
unto your Honor as follows:-

1. Your Oratrix, the said Bena Dean and respondent, the said Amos Dean ,
were legally married at Summerdale, Alabama in Baldwin County, Alabama, on
July 12th, 1922 and lived together as husband and wife in said Baldwin
County, until to wit, August 31st, 1926, when they separated and since that
time they have not lived together as husband and wife. At the time of this
separation, respondent abandoned your Oratrix and went to live with his
brother Orus Dean and your Oratrix went to live with her father D Sawyer
at Stapleton, Alabama and at whose home she has resided ever since and is
now residing; that prior to this abandonment of your Oratrix respondent had
become dissatisfied with the marriage, abused and cursed your Oratrix and
failed to provide a support for her and her two children Catherine Dean
and Caroll Dean ; that since ^{the} separation and abandonment of your Oratrix by
respondent on to wit, August 31, 1926, respondent, said Amos Dean, has not
supported either her or ~~the~~ the children and have not given them any money
at all and have not contributed anything towards their support and has not
contributed anything to her support at any time during the past five years
and since his abandonment of her on to wit , Aug. 31st, 1926 and which
said abandonment of your Oratrix by respondent was voluntary and without
any just cause or excuse and since said abandonment, respondent has failed
and refused to resume marital relations with your Oratrix.

2. That your Oratrix , the said Bena Dean, and the repondent, the said
Amos Dean, are both over the age of twenty one years and both are now
bona fide residents of Baldwin County, Alabama and have resided here most
all their lives and atleast since their marriage at Summerdale in 1922.
Amos Dean now resides at Summerdale and your Oratrix resides at Stapleton
in Baldwin County, Alabama .

3. Your Oratrix further shews unto your Honor that there were born of their said marriage, the following minor children, each of whom is under the age of fourteen years, Viz: Catherine Dean aged eleven and Carroll Dean aged nine years, respectively.

Wherefore, your Oratrix, the said Bena Dean, prays that the respondent, the said Amos Dean, by proper process of this Honorable court be brought before this court and be directed to answer the charges herein made against him under the rules of this Honorable court; that he may be made a party defendant to this Bill of Complaint and that upon a final hearing of the evidence in the cause, that it may please your Honor to order, adjudge and decree, that the bonds of matrimony heretofore existing between your Oratrix and the respondent, the said Amos Dean, be forever dissolved and that she may be permitted to marry again and that she may be given the custody of said minor children and that your Honor will grant unto your Oratrix all such other and further relief or additional relief in the premises as in all equity and good conscience, she may be entitled to.

And your Oratrix will ever pray etc .

S. C. Jenkins

Solicitor for the Complainant

Foot Note:

The defendant is required to answer the foregoing Bill of Complaint from paragraph one to paragraph three inclusive, but not under oath, oath to the answer being hereby expressly waived.

S. C. Jenkins

Solicitor for the Complainant.

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 Amos Dean

Summerdale, Alabama.

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

Bena Dean

against said Amos Dean

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, M. A. Stone, Register of said Circuit Court, this 3rd day of

July 1934

M. A. Stone Register

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

The State of Alabama } Circuit Court of Baldwin County, Alabama,
 Baldwin County } (In Equity)

Bena Dean COMPLAINANT

VS.

NO. 65

Amos Dean. RESPONDENT

I, M. A. Stone

as Register and Commissioner of the Chancery Court of Baldwin County

have called and caused to come before me Bena Dean, D. D. Sawyer, D. N. Sawyer

witnesses named in the requirement for Oral Examination, on the 9th day of July, 1934

1934, at the office of M. A. Stone, Register..

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

truth, the whole truth, and nothing but the truth, the said Bena Dean

doth depose and say as follows:

My name is Bena Dean. I reside at Stapleton Alabama. I am a resident of Baldwin County, Alabama and over the age of 21 years of age and have resided hereabout 25 years. Amos Dean and myself were married July 12th, 1922 at Stapleton. And we lived together as husband and wife until August 1926. I tried in every way to make the marriage a success. We were legally married by a Justice of the Peace under a licence. There were born to us two children, Katherine Dean and Carol Dean, aged, 11 and nine respectively. On August 31st, 1926 Amos Dean left me and went to live with his brother and I went home to live with my father. And I have lived ~~for~~ ^{with} my father ever since. Since we have separated my husband has not supported me at all and he has not contributed anything to the support of the children and has given me no money nor clothes nor porvisions. For the past five years I have been wholly dependant for support on my father, D. N. Sawyer, with whom I have lived. Since the abandonment of me by the respondent on to-wit, August 31st, 1926 the said Amos Dean has failed and refused to resume marital relations with me, and still refuses to do so.

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Bona Deam
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Anna Deam.

RECORDED
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Filed July 3rd 1994
W. O. Stone
Augusta

ORAL EXAMINATION

I, M. A. Stone, 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 es and read over to them and they signed the same in the presence of myself and S. C. Jenkins 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 9th day of July 1934.

M. A. Stone (L. S.)

Witness:

S. C. Jenkins

No. 65 Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Anna Dean

COMPLAINANT

Anna Dean

RESPONDENT

ORAL DEPOSITION

Filed July 9th, 1934

M. A. Stone, Register.

RECORDED IN

Record

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Register

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RECORDED

SERVE ON Amos Dean, Summerdale

Circuit Court of Baldwin County
IN EQUITY

No. _____

SUMMONS

Bene Dean

vs.

Amos Dean

S. C. Jenkins
Solicitor for Complainant

Recorded in Vol. _____ Page _____

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THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 193 _____

SHERIFF

Executed this 7/6th day of _____

by leaving a copy of the within Summons with

Amos Dean

Defendant

W. B. Stewart
Sheriff

By _____
Deputy Sheriff