

612

ETHEL SIMS STEWART,
Complainant,
VS.
JACKSON L. STEWART,
Respondent.

Equity No. _____
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

Testimony of ETHEL SIMS STEWART, the Complainant.

The said witness, ETHEL SIMS STEWART, being first duly and legally sworn, upon examination by the Solicitor for the Complainant, testified as follows:

"My name is ETHEL SIMS STEWART. I am the Complainant in this cause, and I am over the age of twenty-one years. For more than three years next preceding the filing of the Bill of Complaint in this cause, I was a bona fide resident citizen of the State of Alabama, residing at Bay Minette, Alabama.

JACKSON L. STEWART, the Respondent in this cause is over the age of twenty-one years, and, at the time of our separation, he was a resident citizen of the State of Alabama, residing at Bay Minette, Baldwin County, Alabama. However, at the present time he is at Coon, Louisiana.

The said Jackson L. Stewart, the Respondent, and I were married at Bay Minette, Baldwin County, Alabama, on the 16th day January, 1924. We lived together as husband and wife at Bay Minette, Alabama, until the 16th day of August, 1939. On the 16th day of August, 1939, and on a great many occasions prior thereto, the said Jackson L. Stewart, the Respondent, cursed and threatened and abused me so violently as to give me reason to believe, and I do actually believe, that to continue to live with him as his wife would be dangerous to my life or health. These violent spells began a long time before August and gradually got worse. The actions of the Respondent were without cause or fault on my part."

Mrs. Ethel Sims Stewart

STATE OF ALABAMA,
BALDWIN COUNTY.

I, Leslie Hall, Commissioner in the above-styled cause, hereby certify that on the 27th day of February, 1940; I caused the witness ETHEL SIMS STEWART, whose name is subscribed to the foregoing testimony, to appear before me at my office in Bay Minette, Alabama, where, after being duly and legally sworn, and upon examination by T. J. Mashburn, Jr, Solicitor for the Complainant, she testified as hereinabove set forth; that her testimony was taken down as near as might be in her language, and that after being written down, was read over and signed by her in my presence. I further certify that I am neither counsel nor of kin to either party in said cause, or in any way interested in the result thereof.

Witness my hand and seal this the 27th day of February, 1940.

Leslie Hall
Commissioner. (SEAL)

ETHEL SIMS STEWART,
Complainant,

VS.

JACKSON L. STEWART,
Respondent.

Equity No. _____.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Testimony of MYRTIS STEWART for the Complainant.

The said witness, MYRTIS STEWART, being first duly sworn, upon examination by the Solicitor for the Complainant, testified as follows:

"My name is Myrtis Stewart and I am the daughter of Ethel Sims Stewart and Jackson L. Stewart. I am fifteen years of age and I am a high school student.

My Father and Mother and I have lived in Bay Minette, Baldwin County, Alabama, all of my life. However, at the present time my Father, the Respondent, is working in Coon, Louisiana.

In August, 1939, and for a long time before that, my Father cursed and abused and threatened my Mother violently. I firmly believe that, if my Mother, Ethel Sims Stewart, had continued to live with my Father, Jackson L. Stewart, as his wife, he would carry out his threats and do violence to her person and that it would be dangerous to her life or health. My Mother was good to my father and to me and it was not her fault that he would jump on her."

Myrtis Stewart

STATE OF ALABAMA, |

BALDWIN COUNTY. |

I, Leslie Hall, Commissioner in the above styled cause, hereby certify that on the 29th day of February, 1940, I caused the witness, MYRTIS STEWART, whose name is subscribed to the foregoing noted testimony, to appear before me at my office in Bay Minette, Alabama, where, after being duly and legally sworn, and upon examination by T. J. Mashburn, Jr., Solicitor for the Complainant, she testified as hereinabove set forth; that her testimony was taken down by me as near as might be in the language of herself, and that after being written down, was read over and signed by her in my presence. I further certify that I am neither counsel nor of kin to either party in said cause, nor in any way interested in the result thereof.

Witness my hand and seal this 29th day of February, 1940.

Leslie Hall (SEAL).

THE STATE OF ALABAMA, }
Baldwin County }

CIRCUIT COURT

TO LESLIE HALL

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 Ethel Sims Stewart and Myrtis Stewart

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

Complainant

and Jackson L. Stewart is

Defendant,

on oath to be by you administered, upon oral examination

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 February, 1940.

R. S. Duck

REGISTER

By

R. S. Smith
Deputy.

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

ETHEL SIMS STEWART,
Complainant,
VS.
JACKSON L. STEWART,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

ANSWER OF RESPONDENT.


Comes now, JACKSON L. STEWART, Respondent in the above styled cause, and for answer to the Bill of Complaint filed in said cause, says:

1. That he denies each and every allegation of the said Bill of Complaint, separately and severally.

2. Respondent hereby expressly waives service and notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of notice of the time and place set for taking same; of the right to cross-examine Complainant's witnesses; of the right to introduce evidence in his own behalf.

3. He further agrees that the said cause may be submitted for final decree at any time on the pleadings and on Complainant's evidence as noted by the Register.

4. He prays that, if the Honorable Court renders a decree against him as prayed by the Complainant, it will grant him the right to re-marry.


Respondent.

The State of Alabama, }
Baldwin County

ETHEL SIMS STEWART

Complainant.....

vs.

JACKSON L. STEWART

Defendant.....

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

The Complainant, Ethel Sims Stewart,

requests the oral examination of the following named witnesses, on behalf of the Complainant

viz:

Ethel Sims Stewart and Myrtis Stewart

said witnesses reside in the County of Baldwin

State of Alabama.

Leslie Hall

who resides at

Bay Minette, Baldwin County, Alabama

or, The Register of this Court is suggested as a suitable person to be appointed Commissioner to take the deposition of said witness on such oral examination.

J. G. Mashburn, Jr.

Solicitor for 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 JACKSON L. 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 ETHEL SIMS STEWART

against said JACKSON L. 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 19 day of Feb, 1940.

R S Duck, Register

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

ETHEL SIMS STEWART,
Complainant,
VS.
JACKSON L. STEWART,
Respondent.

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

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

Comes your Complainant, Ethel Sims Stewart, and humbly complaining against the Respondent, Jackson L. Stewart, respectfully represents and shows unto your Honor and this Honorable Court the following facts as a basis for the relief hereinafter prayed:

1. That both your Complainant and the Respondent are over the age of twenty-one years; that at the time of their separation they were bona fide residents of the State of Alabama, residing at Bay Minette, Alabama, and had been residents of the State of Alabama for more than eight years next preceding their separation; that your Complainant has continued as a resident of the State of Alabama and has been a resident of the State of Alabama for more than eight years next preceding the filing of this Bill of Complaint; that at the present time the Respondent is a non-resident, residing at Coon, Louisiana.

2. That your Complainant and the Respondent are husband and wife, having intermarried at Bay Minette, Alabama, on, to-wit, January 16th, 1924; that they lived together as husband and wife, in Bay Minette, Baldwin County, Alabama, until on, to-wit, August 16th, 1939.

3. That in August, 1939, and various times prior thereto, the Respondent cursed, abused and threatened your Complainant; that the conduct of the Respondent was such as to give your Complainant reasonable apprehension to believe and she does actually believe that the Respondent will carry out his threats and do actual violence to her person and that it will be dangerous to her life or health if she continues to live with him as his wife.

WHEREFORE, the premises considered, your Complainant prays that your Honor will, by proper process, make the said JACKSON L. 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, JACKSON L. STEWART; Complainant prays 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.

J. J. Mashburn, Jr.
Solicitor for the Complainant.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ETHEL SIMS STEWART, Complainant

vs.

JACKSON L. STEWART, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on Answer and 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 ETHEL SIMS STEWART is forever divorced from the said

JACKSON L. STEWART

for and on account of

Cruelty

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 ETHEL SIMS STEWART, and JACKSON L. STEWART be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

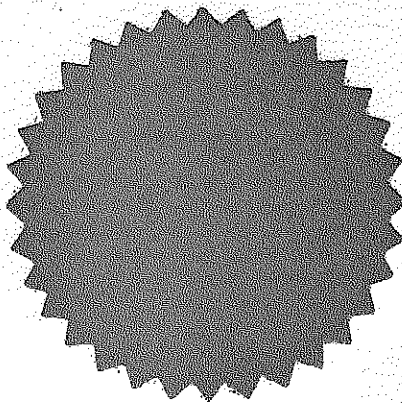
It is further ordered that ETHEL SIMS STEWART the Complainant, pay the cost herein to be taxed, for which execution may issue.

This 8th day of March, 1940

J. N. Hare

Judge Circuit Court, in Equity.

I, _____, 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 _____, 19 _____

Register of Circuit Court, in Equity.

RECORDED

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

EPHIEL SIMS STEWART

Complainant

vs.

JACKSON L. STEWART

Defendant

DEMAND FOR ORAL EXAMINATION

Filed ~~July 2-8~~ 1940

R. B. Duck Register

RECORDED

ANSWER OF RESPONDENT.

ETHEL SIMS STEWART,

Complainant,

VS.

JACKSON L. STEWART,

Respondent.

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

Filed June 19, 1940

*R. B. Dyer, Jr.
Register
By J. N. Sturck
Deputy*

RECORDED

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Suzanne Sime Stewart

Complainant

VS.

Jackson H Stewart

Defendant

Commission To Take Deposition

COMMISSIONER:

Cecil Stee

Witnesses:

Original RECORDED

No. Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

ETHEL SIMS STEWART,

Complainant,

vs. Complainant.

JACKSON L. STEWART,

Respondent.

Respondent.

DIVORCE DECREE

*Filed March 9, 1940
R.S. Dwyer, Register*

ORIGINAL.

RECORDED

BILL OF COMPLAINT.

ETHEL SIMS STEWART,

Complainant,

Vs.

JACKSON L. STEWART,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed in this Office this

19 day of February, 1940.

R. S. D. W. B.
T. J. MASHBURN, *clerk*

LAWYER *T. J. Mashburn*

BAY MINETTE, ALABAMA *Deputy*

ETHEL SIMS STEWART

vs.

JACKSON L. STEWART

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, the
answer of the Respondent, Jackson L. Stewart, and the testimony
of Ethel Sims Stewart and Myrtis Stewart for the Complainant

and in behalf of Defendant upon the answer of the Respondent, Jackson L.
Stewart

RS Duck

Register.

B. H. E. Smith
Deputy

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Term, 193_____

ETHEL SIMS STEWART _____, Complainant

Vs.

JACKSON L. STEWART _____, Defendant

To R. S. DUCK _____, Register :

In the above stated cause a ~~Decree Pro Confesso~~ *answer having been filed by* 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 T. J. MASHBURN, JR.,

_____ 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.

T. J. Mashburn, Jr.
Solicitor for Complainant.

RECORDED 2-5-18

State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Ethel Sims Stewart

vs.

Jackson L. Stewart

NOTE OF TESTIMONY

Filed in ~~Open Court~~ this 1st

day of March 1934

R. S. Duak

REGISTER

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

ETHEL SIMS STEWART

Vs.

JACKSON L. STEWART

**REQUEST FOR DECREE IN
VACATION**

Filed 7/1, 1940

R. D. Drake
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.