

Myrtle Kelly,)
Complainant.)

In The Circuit Court of Baldwin County, Alabama

In Equity .

432

vs

William Kelly
Respondent .

To The Honorable John D Leigh. Judge of the Twenty First Judicial Circuit of Alabama, which includes Baldwin county :

Humbly complaining, your oratrix, Myrtle Kelly, respectfully represents unto your Honor as follows :-

1. Your oratrix, Myrtle Kelly and William Kelly, respondent in this cause, were lawfully married in Baldwin County, Alabama, on to wit, October, 16th, 1913 at Bay Minette, Alabama, in said county; they lived together as man and wife for seven or eight years, until to wit, February 1st, 1921 at which time on account the cruel treatment and habitual drunkenness of respondent, your oratrix was forced to leave ^{him} and went to live with her father in Bay Minette, Alabama, where she has resided ever since; at this time and prior thereto respondent had practically abandoned your oratrix by going off from home to Mobile and other places, where he would stay for weeks at a time without sending her any money for support or letting her know where he was. When he would return he generally came back drunk and would beat her and abuse and insult her most grossly.

2. Both your oratrix and respondent are over the age of twenty one years; your oratrix resides at Bay Minette and is a bona fide resident citizen of Baldwin County Alabama and has been so for more than three years ^(next) before the filing of the Bill in this cause. Respondent after he left your oratrix went to the State of Texas and when last your oratrix heard of him, was living at El Paso in said state. Respondent abandoned and left your oratrix on or about Feb. 1st, 1921 and since said abandonment has not come back to live with her and treat her as a dutiful husband should do; respondent ^{voluntarily} abandoned your oratrix without any fault on her part and more than three years before the filing of the bill in this cause and since said abandonment has remained away ever since and has failed or refused to resume marital relations with her.

3. During all the time your oratrix lived with respondent as her husband, said William K Kelly, she was at all times and in every way a faithful and dutiful wife and gave him no cause whatever for complaint; but your oratrix alleges after they moved from Daphne to Bay Minette, where they had been living for several years prior to to wit Feb. 1st, 1921, respondent treated her cruelly and would often come home drunk and did at times strike her; that she had finally to go to her father's house for support and protection. That at one time, to wit about six year ago, respondent sold all the things they had to keep house on and left her ⁱⁿ want.

4. That for more than five years he has failed to support her and still fails to do so ; that at their final separation, on towit Feb. 1st, 1921 respondent had failed to support her at that time and for several years prior thereto .

Wherefore, the premisses considered, your oratrix prays a subpoena be issued and directed to the said William K Kelly, respondent aforesaid, in this cause; that he be brought into this court and directed to answer the charges ^{herein} made against him under the rules of this honorable court; that he be made a party defendant or respondent to this bill of complaint and that upon a final hearing of the evidence, your Honor will order, adjudge, and decree that the bonds of matrimony heretofore existing between your Oratrix and the said William K Kelly be forever dissolved and that your oratrix be permitted to marry again and that she be granted such other and further relief as may in equity and good conscience seem proper and meet to your Honor.

And your oratrix will ever pray etc.

S. Jenkins

solicitor for Complainant .

Foot Note:-

The respondent is required to answer each and every paragraph of the foregoing Bill from 1 to 4 inclusive, but his answer under oath is hereby expressly waived .

S. Jenkins,
Solicitor for Complainant

Myrtle Kelly,)	
Complainant,)	In The Circuit Court of Baldwin County,
vs)	Alabama.
William Kelly,)	In Equity .
Defendant .)	

Amendment of Complaint .

Comes now the complainant and ~~xx~~ amends her complaint by adding the following additional count Viz:

Fifth . Your oratrix further shows that there were born of their said marriage the following minor children, each of whom is under four - teen years of age. Viz. Joseph Kelly aged nine years and Alonzo Kelly aged five years .

Complainant amends her prayer for relief so that it shall read as follows :

" That it may please your Honor, on the hearing of said cause to decree that the bonds of matrimony existing between your oratrix and the said William Kelly be 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 or additional relief in the premises as in equity and good conscience she may be entitled to .

S Jenkins

Solicitor for Complainant.

Footnote:

The defendant is required to answer the foregoing bill of complaint from paragraph one to paragraph five inclusive, but not under oath, oath to the answer being hereby expressly waived .

S Jenkins

Solicitor for Complainant .

State of Alabama,)
Baldwin County)

Before me ~~Thos. W. Richerson, Clerk of the Circuit Court of Baldwin County~~, personally appeared Myrtle Kelly, who being by me first duly sworn, says on oath that she is the complainant in the cause of Myrtle Kelly vs William Kelly, No -- now pending in the Circuit Court of Baldwin County and that she is a bone fide resident of said county, residing at Bay Minette, Ala. ; that she is informed and believes and upon such information and belief - states that said William Kelly is over twenty years of age and is a nonresident of the state of Alabama, but whose exact residence and whereabouts is unknown to affiant. That when she last heard of the said William Kelly, he had gone to El Paso in the state of Texas to live

Myrtle Kelly.

Subscribed and sworn to before me this 29th day of March, 1924.

J. W. Richerson

Clerk of the Circuit Court of Baldwin County, Alabama.

THE BALDWIN TIMES

ABNER J. SMITH, PROPRIETOR

DEVOTED TO THE INTEREST OF BALDWIN COUNTY AND HER PEOPLE

PUBLISHED EVERY THURSDAY

SUBSCRIPTION: \$1.00 PER YEAR IN ADVANCE

ADVERTISING RATES ON APPLICATION

TELEPHONE No. 7, LOCAL AND LONG DISTANCE

BAY MINETTE, ALA.,

AFFIDAVIT OF PUBLICATION

NOTICE TO NON-RESIDENTS.

The State of Alabama, Baldwin County, Circuit Court, in Equity. This the 1st day of April 1924. Myrtle Kelly, Complainant. No. 432. William K. Kelly, Respondent. In this cause it being made to appear to the Clerk of this Court by the affidavit of Myrtle Kelly, that the defendant William K. Kelly, is a non-resident of the State of Alabama when last heard from was in El Paso Tex, and further, that, in the belief of said Affiant—the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said William K. Kelly to answer or demur to the Bill of Complaint in this cause by the 3rd day of May 1924, or after thirty days therefrom a decree Pro Confesso may be taken against Said Defendant.

T. W. Richerson, Register.
S. C. Jenkins, Atty. for Complainant.

8-4t

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail
ABNER J. SMITH, being duly sworn, deposes and

says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Kelly vs Kelly # 432.

Was published in said Newspaper for 4 consecutive weeks
as:

Date of first publication	<i>Apr 3 - 1924</i>	Vol. <i>35</i>	No. <i>9</i>
“ “ second “	<i>4 10</i>	Vol. <i>35</i>	No. <i>10</i>
“ “ third “	<i>4 17</i>	Vol. <i>35</i>	No. <i>11</i>
“ “ fourth “	<i>4 24</i>	Vol. <i>35</i>	No. <i>12</i>

Subscribed and sworn to before the undersigned

this *2^d* day of *May* 19*24*.

T. W. Richerson
Clerk Circuit Court.

R. B. Vail
Publisher.

William E. Warren, witness for Complainant testified as follows:

My name is William E. Warren, I live at Bay Minette Baldwin Co Ala. I know William K. Kelley and Myrtle and know the date of their marriage Judge J.H.H. Smith married them and I went after the licenses for them this was in Oct 1913. They lived together as man and wife several years, I dont remember the last time he left her as he left her so many times & I know that he did abandon her and know it has been more than 3 years next before the filing of this bill. I know that William K. Kelley became a habitual drunkard after marriage, his conduct was such that she could not live with him. The conduct of Myrtle Kelley was always good and she was a dutiful wife and he abandoned her without any cause or fault on her part, She has 2 children from this marriage Joseph Kelley age 10 Alozo age 5 whom she supports by working out for wages and know that she does not get any support from her husband for several years past. Myrtle Kelley and William K. Kelley are both over the age of 21 years. and Myrtle Kelley is a bonafide resident of Baldwin County Ala., William K. Kelley left here and went to Texas several years ago, and has not returned and I do not know where he resides but know that he has not returned to Baldwin County Ala.

William E. Warren

ORAL EXAMINATION.

I, T.W. Richerson, as Commissioner

hereby certify that the foregoing deposition...on Oral Examination...were... 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 Hon. S.C. Wenkis, Solicitor for Complainant,... at the time and place herein mentioned; that I have personal knowledge of the 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 in 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 7th day of June, 1924, 192...

T.W. Richerson (L. S.)

No. 432, Page 4

The State of Alabama

Baldwin Grandly

IN CIRCUIT COURT, IN EQUITY.

Myrtle K. Kelley,

RECORDED

vs. Complainant,

William K. Kelley,

Respondent.

ORAL DEPOSITION.

Filed June 7th, 1924, 192...

T.W. Richerson, Register.

RECORDED in RECORDED

Record

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Register.

NOTE OF TESTIMONY

The State of Alabama,

Myrtle K. Kelley,

Complainant

VS.

William K. Kelley,

Respondent

No. 432.

In Circuit Court,
In Equity

IN THIS CAUSE comes the Complainant,

by her, solicitor and submits the same for Final Decree,

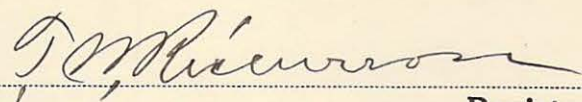
decree upon the Original Bill and exhibits thereto decree pro con fesso,

, and upon the following testimony, to-wit:

Myrtle K. Kelley and William E. Warren,

I hereby certify that the above note of Testimony is correct.

This 10th, day of June, 1924.



Register.

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No. 432.

The State of Alabama

Baldwin County

Circuit Court in Equity

Myrtle K. Kelley,

Complainant

vs.

William K. Kelley,

Respondent

NOTE OF TESTIMONY

Filed 10th, day of June, 1924

W. B. ... Register

Record Page

The State of Alabama, }
Baldwin County.

No. 432.

CIRCUIT COURT, IN EQUITY

Myrtle M. Kelly,

Complainant

vs.

William K. Kelly,

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 voluntary abandonment,

It is further ordered, that the said Myrtle M. Kelly,

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 Myrtle M. Kelly, 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 William K. Kelly.

It is further ordered, adjudged and decreed that said Myrtle M. Kelly, shall not again marry except to said William K. Kelly, until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to

said William K. Kelly, during the pendency of said appeal

It is further order and decreed that Complainant Myrtle Kelly have the sole custody and control of Joseph Kelly, age 10 years and Aloys Kelly, age 5 years, minor children born unto the Complainant and respondent in this cause

This 11th day of June, 1924.

John D. Leigh
Judge of the Circuit Court of Baldwin County.

THE 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 _____, 192____, 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 _____, 192____

Register.

No. 432.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
BALDWIN COUNTY, ALA.

Myrtle ~~K.~~ Kelly,

vs.

William K. Kelly,

DECREE OF DIVORCE.

Filed in office this

13th

day of

June

1924

T. W. Pickens
Register.

E. O. M.

RECORDED

[Handwritten notes and signatures in the right margin, including a signature that appears to be "John A. ..."]

The State of Alabama, }
Baldwin County.

No. 432.

CIRCUIT COURT, IN EQUITY

Myrtle K. Kelly,

Complainant

vs.

William K. Kelly,

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 Voluntary abandonment,

It is further ordered, that the said Myrtle K. Kelly,

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 Myrtle K. Kelly, 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 William K. Kelly.

It is further ordered, adjudged and decreed that said Myrtle K. Kelly, shall not again marry except to said William K. Kelly, until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said William K. Kelly, during the pendency of said appeal

It is further ordered and decreed the Complainant, Myrtle Kelly, have the sole custody and control of Joseph Kelly, age 10 years, and Alonzo Kelly, age 5 years, minor children born unto the Complainant and respondent, in this cause.

This 11th, day of June, 1924.

John D. Leigh,

Judge of the Circuit Court of Baldwin County.

THE STATE OF ALABAMA, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

I, T.W. Richerson,

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 11th, day of June, 1924, in the cause of

Myrtle K. Kelly,

Complainant

vs.

William K. Kelly,

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the 17th day of June, 1924.

T.W. Richerson

Register.

CERTIFIED COPY OF DECREE.

No. 342.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
BALDWIN COUNTY, ALA.

Myrtle Kelly.

vs.

William K. Kelly.

DECREE OF DIVORCE.

Filed in office this 13th,

day of June, 1924

T. W. Richerson,
Register.

E. O. M.



Handwritten signature or initials in blue ink.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

}

CIRCUIT COURT, IN EQUITY.

No. 432. Vacation, Term, 19124.

Myrtle K. Kelley,

Complainant

vs.

William K. Kelley,

Defendant

To T. W. Richerson, 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 Hon. S. C. Jenkins, Solicitor for Complainant,

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.

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No. 432. Page

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

Myrtle K. Kelley,

vs.

William K. Kelley,

REQUEST FOR DECREE IN
VACATION.

Filed June 10th, 1924. 191

T. W. [Signature]
Register

RECORDED

Recorded in Record

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