ESTELLE SIMS,
Complainant

VS.

ARTER SIMS,
Defendant

IN EQUITY

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

THE DEPOSITIONS OF ESTELLE SIMS, ADDIE GLIDEWELL AND LEILA ATKINS, WITNESSES FOR COMPLAINANT IN THE ABOVE ENTITLED CAUSE.

The said witnesses being by me first duly sworn to tell the truth, the whole truth, and nothing but the truth, upon examination by E. G. Rickarby, Esq. of counsel for Complainant, testified as follows:

ESTELLE SIMS

"I am the Complainant in this cause. I now reside in the City of Mobile andhave been living here for last ten months, prior to that time, sinch childhood, I lived near Loxley in Baldwin County. I was married on May 4, 1909, to Arter Sims, the Defendant. He is now thirty-eight years of age and lives either at Robertsdale or Dyas in Baldwin County. After we were married we lived together as husband and wife in Baldwin County until the month of September, 1919, when after many years of ill treatment by him he left me without just cause or fault on my part and we have been living separate and apart ever since. In that time I have seen him several times but only just to speak to in passing. We have at no time resumed marriage relations in this time. In all this time that we have been separated my husband has done nothing for the support of myself and children and I have been supporting them and myself by my labor in Mobile. There are four children of the marriage, two of whom live with him and the two younger ones, Dearie and Grace, age seven and five, are with me in Mobile.

For a number of years before we separated my husband was very cruel to me, neglecting me and abusing me and on one occasion

he struck me. When he left me we were living near Loxley and he told me I could go where I wanted to as he was leaving me for good and he has kept his word for he has not been back".

Estelle Sims

ADDIE GLIDEWELL

"I am a sister of Estelle Sims, the Complainant. She was raised in Baldwin County but is now living in Mobile . They were married in 1909 and lived together in Baldwin County up to September, 1919, when they separated. They did not get on well together. He was cruel to her and neglected her and finally walked out and left her with her two youngest children and no means of support. She has been supporting herself and these children ever since the separation except for a while when she was sick and her family looked after her. I know of my own knowledge that after he left her he has not been back and they have lived separate and apart ever since, now something over three years. She is now working in Mobile, supporting herself and her younger children and has not had anything to do with her husband for more than three years."

Addie Glidewell

LEILA ATKINS

"I have known Mr. and Mrs. Sims since shortly after they were married. They used to live in Baldwin County close to where I lived and I would see they very frequently and I know that he did not treat her well, and finally abandoned her in the fall of 1919. Since which time she has had nothing to do with him, supporting herself and her younger children by her own labor when she was able to work. I am now living in Mobile and my relations with Mrs. Sims have been such that had her husband ever returned to her I would have known it. He is not an industrious man and she had to do practically all the work even when they were living together."

Leila Atkins

I, MARGARET BUCK, the commissioner named in the foregoing commission, which issued out of the equity side of the Circuit Court of Baldwin County, do hereby certify that in a certain cause pending in said court wherein Estelle Sims is complainant, and Arter Sims, defendant, under and by virtue of the power conferred upon me by said commission, I caused Estelle Sims, Addie Glidewell and Leila Atkins, who are known to me, and known by me to be the identical witnesses named in the commission, to come before me at 905 Van Antwerp Building, Mobile, Alabama, on the seventh day of November, 1922, where, afterthey had first been duly sworn by me, they were examined by counsel for complainant, and their testimony was by me reduced to writing as near as might be in the language of the witness, and after being transcribed was read over by me to them who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to any parties of the cause or in anywise interested in the result thereof.

Witness my hand this eighth day of November, Nineteen Hundred and Twenty-two.

Margaret Buck
Commissioner

8568 Commission to Take Depositions on Interrogatories.

The State of Alabama,

Baldwin County

CIRCUIT COURT.

To Margaret Buck

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 Estelle Sims, Addie Glidewell and Leila Atkins

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

Estelle Sims is

Complainant

and Arter Sims is

Defendant,

on oath to be by you administered, upon ~~interrogatories~~ examination by counsel to take and certify the deposition~~s~~ of the witness~~s~~ and return the same to our Court, with all convenient speed, under your hand.

Witness 7th day of November 1922.

T. W. Richerson

Register.

Commissioners Fee $5.00 Paid

Witness Fee's $

No.

THE STATE OF ALABAMA,

BALDWIN County.

CIRCUIT COURT.

BALDWIN COUNTY, ALABAMA

ESTELLE SIMS

Complainant

vs.

ARTER SIMS

Defendant

COMMISSION TO TAKE DEPOSITION

ON ~~INTERROGATORIES~~ Examination

COMMISSIONER:

Margaret Buck

WITNESSES:

Estelle Sims, Addie Glidewell and Leila Atkins

8558 DECREE OF DIVORCE. Baldwin Times Print.

The State of Alabama,
Baldwin County.

No. ..... CIRCUIT COURT, IN EQUITY

Estelle Sims ..... Complainant

vs.

Arter Sims ..... 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 the ground of abandonment

It is further ordered, that the said Estelle Sims 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 Estelle Sims 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 Arter Sims

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

This 10th day of November 192 2

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. 351

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.
BALDWIN COUNTY, ALA.

Estelle Sims

Vs.

Arter Sims,

DECREE OF DIVORCE.

Filed in office this 11th

day of November, 1922

D. W. Bateman

Register.

E. O. M.

RECORDED

ESTELLE SIMS,
Complainant

VS

ARTER SIMS,
Defendant

No. 351.

IN EQUITY

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

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 Defendant, on the grounds of abandonment.

It is further ordered, that the said Estelle Sims 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 Arter Sims pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found", then execution for costs may issue against said Estelle Sims.

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

It is further ordered that the Complainant be and she hereby is awarded the care and custody of Dearie Sims and Grace Sims, the two younger children of the marriage between Complainant and Defendant.

It is further decreed that this Court retains jurisdiction of this cause for the purpose of making such other or further orders as to the care and custody of the children of the parties hereto as may from time to time to the Court seem necessary.

This 10th day of November 1922.

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

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY SITTING:

Comes ESTELLE SIMS, complainant, and humbly complaining against ARTER SIMS, defendant, and respectfully shows unto your Honor as follows:

FIRST: That complainant is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama; that she has for more than three years next preceding the filing of this bill she has continuously been a resident of this State; that defendant is a resident of Baldwin County, Alabama.

SECOND: That said defendant and complaint are husband and wife, having intermarried in Butler County, Alabama, in the year 1909; that they resided together as husband and wife until the month of September 1919 when defendant voluntarily abandoned complainant without just cause or excuse and without fault on her part; that at the time of said abandonment said defendant and complainant were residing in Baldwin County, Alabama; that they have not lived together since said abandonment.

PREMISES CONSIDERED complainant prays this Honorable Court will take jurisdiction of the cause made by this bill of complaint, that said defendant be made a party defendant to this bill of complaint and by appropriate process be required to plead, answer or demur to this bill of complaint u nder the usual penalties and within the time required by law; that upon the final hearing of this cause complainant be granted by this Honorable Court an absolute divorce from the said Arter Sims; and that such other further or different orders and decrees be made and entered as in the premises shall be meet.

Rickarby & Beebe
Solicitors for Complainant.

Defendant is required to answer every allegation in the foregoing bill, paragraphs one to two inclusive, but not under oath. Oath is hereby waived.

Rickarby & Beebe
Solicitors for Complainant

8587 SUMMONS—Original. Baldwin Times Print.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Arter Sims

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 Estelle Sims

against said Arter Sims

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, T. W. Richerson, Register of said Circuit Court, this 21 day of Aug 192 2

T. W. Richerson
Register.

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

121 Original

Serve on _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Estelle Sims

vs.

Arles Sims

A Dyas

Rickarby & Beebe
Solicitor for Complainant

Rocorded in Vol. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this 21
day of Aug 1922

Sheriff

Executed this 16th day of
October 1922
by leaving a copy of the within summons with
Arles Sims

Defendant

W. R. Stuart
Sheriff

By B. D. Wiggins
Deputy Sheriff

RECORDED

8600 Motion for Decree Pro Confesso on Personal Service. 3107 Code.

The State of Alabama, } No. ..... CIRCUIT COURT IN EQUITY.
BALDWIN COUNTY.

Estelle Sims ..... Complainant

vs.

Arten Sims ..... Defendant

Motion is hereby made for a Decree Pro Confesso against .....

Arten Sims ..... Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant.....has..... failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 6 day of November 192 2

Rickarby & Burke
Solicitor.

Mat

No. ..... Page .....

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Estelle Sim

Vs.

Arter Sim

MOTION FOR DECREE PRO CONFESSO ON PERSONAL SERVICE

Filed Nov 6 1922

T M Reaves

Register.

Recorded in ..... Record,

Vol. ..... Page .....

Register.

Baldwin Times Print, Bay Minette.

RECORDED

THE STATE OF ALABAMA, Baldwin *County.* | *No.* 351.

CIRCUIT COURT, IN EQUITY.

Estelle Sims, *Complainant*

vs.

Arter Sims, *Defendant*

In this cause it appears to the Register

that a Summons requiring the Defendant Arter Sims.

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon Arter Sims,

was served upon him *by the Sheriff of* Baldwin *County, Alabama, on the* 6th *day of* October, *19* 22, *and the said Defendant having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of* Hon. W.C.Beebe , One of the Atty's for Complainant.

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said Arter Sims

Defendant aforesaid.

This 6th *day of* November *19* 22.

T. V. Richerson

Register.

3

No. 351 Page

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Estelle Sims

vs.

Arthur Sims

DECREE PRO CONFESSO ON PERSONAL SERVICE.

Issued Nov 6 1922

D W Rhemmon
Register.

RECORDED

Recorded in Record,

Vol. Page

Register.

8581 NOTE OF TESTIMONY.

Estelle Sims

vs.

Arter Sims

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, decree pro confesso and depositions Estelle Sims, Addie Gidewell & Lida Atkins

~~and in behalf of Defendant upon~~

X T. W. Pierson

Register

4

No.....

THE STATE OF ALABAMA,

BALDWIN COUNTY

IN EQUITY,

CIRCUIT COURT OF BALDWIN COUNTY.

.....

.....

.....

vs.

.....

.....

.....

NOTE OF TESTIMONY.

Filed in Open Court this 9

day of Nov 1912

D M Redmond

Register

RECORDED

8550 REQUEST FOR DECREE IN VACATION.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. .... Term, 191.....

Estelle Sims ..... Complainant.....

vs.

Arter Sims ..... Defendant.....

To T. W. Richerson, Register:

In the above stated cause a Decree Pro Confesso having been taking 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 Complaiant, by Rickarby & Burke 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.

Rickarby & Burke
Solicitor for Complainant.

5m

No..... Page .....

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

.....

.....

vs.

.....

.....

REQUEST FOR DECREE IN

VACATION.

Filed Nov 9 1922

D M Reinn

Register

RECORDED

Recorded in .....Record

Vol.....Page.....

.....

Register

STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

IN THE CIRCUIT COURT,
BALDWIN COUNTY, ALA.

HONORABLE JOND D. LEIGH, JUDGE OF THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.

Your petitioner, Mrs. Mabel Addison Sandt, respectfully represents and shows unto Your Honor as follows:

1. That she is a bona fide resident of the State of Alabama, residing at Fairhope, Baldwin County, and that she is over the age of twenty-one years.

That Phillip T. Sandt is now at Fairhope, Alabama, and is over the age of twenty-one years.

2. That she is in possession as tenant of the following described premises:

Lot Eight, Block Two S in the Town of Fairhope, Baldwin County, Alabama, together with the building (Walleta Cottage) situated thereon; that the said building and lot is used by her as her home and is rented by her solely for herself and children, petitioner having separated from the said Phillip T. Sandt several months before the filing of this bill, and paying the rent out of her owns funds and in her name, a portion of the funds being furnished her by her brothers. That the said Phillip T. Sandt is hopelessly insolvent and a judgment against him would be absolutely worthless.

3. That Phillip T. Sandt ~~is~~ constantly goes in and to and from the said premises against the wishes and warnings of your petitioner; that the said Sandt frequently roams about the premises spending a great portion of his time on said premises and his rude and cruel conduct and his endeavoring to take posession of the premises destroys the home like substance or atmosphere of said premise.

That the said Phillip T. Sandt when on the premises occupied by your petitioner as her home constantly abuses said petitioner and threatens to do her bodily injury; that from the actions of the said Phillip T. Sandt your petitioner fears danger to herself and children; that the said Phillip T. Sandt has been coming on the premises for seberal weeks and spends most of the day and night on the said premise and states he intends to keep coming; ~~that the abuse and threats of the said Phillip T.~~ that the said Phillip T. Sandt takes possession of the premises and uses and appropriates the food and other necessities belonging to petitioner and without having furnished or helped to furnish or supply the same, he having failed and refused to provide anything for the support of petitioner and children. ~~that the abuse and threats of said Phillip T.~~ Petitioner alleges that on account of conduct of the said Phillip T. Sandt that her property and property rights are being destroyed or impaired and petitioner is without adequate remedy at law to stop such destruction or impairment. That the abuse and threats of said Phillip T.

Sandt destroys the purpose of the premises and if he is allowed to continue your petitioner will be forced to give up her home and leave the premises; that the action of the said Phillp T. Sandt is so persistent and vexatious and so frequent in his visits as to compell your petitioner to give up her home and seek shelter elsewhere unless the said Phillip T. Sandt is prohibited from interfering with the possession of the said premises and with the rights and privileges of your petitioner. That petitioner is in Fairhope for her health and has rented the above described cottage or premise for the purpose of enjoying peace, quietude and happiness and with the presence of Phillip T. Sandt your petitioner would not enjoy the prmises in any sense for which she rented same, and petitioners injury and damage is and will continue to be irreparable. and petitioner further allege that she is without adequate remedy at law whereby to redress such injury

PRAYER FOR PROCESS.

The premises considered your petitioner prays that the said Phillip T. Sandt be made party respondent to this original bill of complaint by the usual process of this Honorable Court and that he be required to demur, plead to or answer the same within the time and under the penalties as provided by law, or that the same be forever confessed.

PRAYER FOR RELIEF.

Your petitioner further prays that a temporary writ of injunction may be granted by Your Honor restraining and enjoining the said Phillip T. Sandt [redacted] from going upon or into the building or interfering with the possession of the premises above described, as long as petitioner is in possession and that upon the final hearing of this cause Your Honor will make the temporary injunction herein granted perpetual and that a writ of injunction against the said Phillip T. Sandt forver enjoining himfrom interfering with or going upon the above described premise.

Mabel Addison Sandt
Petitioner.

PAGE & MOORER,
Solicitors for Petitioner.

FOIT NOTE:

The Respondent, Phillip T. Sandt, is required to answer each and every allegation of the foregoing bill of complaint from paragraph numbered 1 to 3, both inclusive, but not under oath, answer under oath being hereby expressly waived.

Mabel Addison Sandt.

PAGE & MOORER,
Solicitors for Petitioner.

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me, Gladys Lowell, a Notary Public in and for said County and State, personally apppeared Mrs. Mable Addison Sandt, who, being by me first duly sworn doth depose and say:

That the statements contained in the foregoing bill of complaint are true and correct.

Mabel Addison Sandt.

Sworn and subscribed to before me this 19th day of August, 1922.

Gladys Lowell

GLADYS LOWELL NOTARY PUBLIC BALDWIN CO. ALA.

Upon the petitioner entering into bond in the sum of $100.00 Dollars conditioned as required by law, it is ordered that an injunction be issued, pursuant to the prayer of petitioners bill, restraining the said Phillip T. Sandt from going upon the premises or into the building or interfering with the possession of the premises above described, until further orders of this court. Dated at Brewton Ala August 22 1922.

John D Leigh
Judge 21st Judicial Circuit

STATE OF ALABAMA?

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS, that we, Mrs. Mabel Sandt, _____, and _____ _____ are held and firmly bound unto Phillip T. Sandt in the sum of One Hundred ($100.00) Dollars to be paid to the said Phillip T. Sandt, his heirs and assigns, for the payment of which, well and truly to be made, we bind ourselves, jointly and severally, and each of us firmly by these presents, and the right of exemption under the constitution and laws of the State of Alabama, is hereby waived.

Witness our hands and seals this 23rd day of August, 1922.

The condition of the above obligation is such that if the above bounden Mrs. Mabel Sandt, her exexutors and administratprs or any of them shall pay or cause to be paid all damages which any person may sustain by the suing out of this injunction if the same ix dissolved by the Circuit Court of Baldwin County, Alabama, on the bill filed by the said Mrs. Mabel Sandt as aforesaid then the above obligation to be null and void, otherwise to remain in full force and effect.

Mabel A. Sandt (Seal)

Mrs Florence C Price (Seal)

Mabel Armstrong (Seal)