

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO MISS 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 Thomas Carver and Norman Kelly

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

is Complainant and Gladys Carver

is Defendant,

on oath to be by you administered, upon them to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 19th day of August, 1940.

R. S. Duck

REGISTER

Commissioner's Fee \$ 5.00

Witness' Fees, \$ _____

THOMAS CARVER,

Complainant,

vs.

GLADYS CARVER,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY #

Comes the respondent in that above entitled cause and submits herself to the jurisdiction of this honorable Court, hereby waiving all further notices and agreeing that the complainant may take his testimony at any time or place that he deems advisable.

Gladys Carver
Respondent

M. F. Doyez
Winston F. Groom
attys for Respondent

THOMAS CARVER,	↓	
Complainant,	:	IN THE CIRCUIT COURT OF
vs.	↓	BALDWIN COUNTY, ALABAMA.
GLADYS CARVER,	:	IN EQUITY #
Respondent.	↓	

Comes the Respondent in the above entitled cause and for answer to the Complaint filed herein, says as follows:

FIRST: That she admits the allegations of Paragraph 1.

SECOND: That she admits the allegations of Paragraph 2.

THIRD: That she denies each and every allegation contained in Paragraph 3 and demands strict proof thereof.

FOURTH: That she denies the allegations of Paragraph 4 and demands strict proof thereof.

WHEREFORE PREMISES CONSIDERED, Respondent prays that upon a hearing of this cause the Complainant will be denied the relief sought by said Bill of Complaint, that Respondent will be allowed her reasonable attorney's fees and Costs of Court and such other, further and different relief as to the Court may seem meet and proper.

*M. F. Dozier and
Winston L. Groom*
Solicitors for Respondent

THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, That you summon GLADYS CARVER 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 THOMAS CARVER against said GLADYS CARVER, 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

22nd day of March, 1940.

R. S. Duck
Register.

THOMAS CARVER,)	IN THE CIRCUIT COURT OF
Complainant,)	
VS.)	BALDWIN COUNTY, ALABAMA,
GLADYS CARVER,)	
Respondent.)	IN EQUITY.

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

And now comes your Complainant, THOMAS CARVER, and humbly complaining against the Respondent, GLADYS CARVER, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That the Complainant and the Respondent are both over twenty-one years of age and residents of Baldwin County, Alabama, and have been for more than three years next preceding the filing of this Bill of Complaint; that the Respondent is at present visiting in Mobile, Mobile County, Alabama.
2. That your Complainant and the Respondent were married at Foley, in Baldwin County, Alabama, on to-wit, October 14th, 1933, and lived together as husband and wife until on to-wit, November 27th, 1939, in Baldwin County, Alabama.
3. That on to-wit, in November, and just prior to November 27th, 1939, the Respondent committed the act of adultery with one Leroy Floyd, and also with other parties; that the Complainant did not consent to and has not condoned said acts on behalf of said Respondent.
4. That there was born to said marriage between your Complainant and the Respondent three children: Norma Jean Carver, Thomas Alvin Carver and Joseph Riley Carver, ages 6, 4, and 19 months, respectively; that said children are now and have been all of their lives with your Complainant; that the Respondent, for reason of the acts complained of, is not a suitable, fit or proper person to have the care, custody or control of said minor children; that your Complainant is financially able and a suitable person to care for, raise and provide for said children.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said GLADYS CARVER party respondent to this Bill of Complaint, requiring her 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 him a decree of absolute divorce, forever barring the bonds of matrimony existing between him and the Respondent, GLADYS CARVER, and that a decree may be made and entered awarding to your Complainant the care, custody and control of said minor children; Norma Jean Carver, Thomas Alvin Carver and Joseph Riley Carver; that your Honor will give and grant unto him such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

Thomas Carver
Complainant.

BEEBE & HALL,

By: [Signature]
Solicitors for Complainant.

THOMAS CARVER,
Complainant,
VS.
GLADYS CARVER,
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, Answer and Waiver of the Respondent, 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.

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, ADJUDGED AND DECREED that the said THOMAS CARVER shall not again marry, except to the said GLADYS CARVER, until sixty days after this date, and that if an appeal is taken within sixty days, he shall not again marry, except to the said GLADYS CARVER, during the pendency of the appeal.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the custody and control of Norma Jean Carver, Thomas Alvin Carver and Joseph Riley Carver, is hereby awarded to Thomas Carver with the right to see and visit such children at reasonable times being granted to Gladys Carver. The Court retains jurisdiction of this cause for the purpose of making such other, further or different orders concerning the custody and control of said children as to the Court may seem mete and proper.

Dated at Bay Minette, Baldwin County, Alabama, this 21st day of August, 1940.

J. W. Hare
Judge of the 21st Judicial Circuit of Ala.

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RECORDED
Answer

Filed April 24, 1940
R.S. Duck, Register

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WAIVER:

THOMAS CARVER,

Complainant,

VS.

GLADYS CARVER,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed August 29, 1940

R.S. Dush, Register

NO.

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

THOMAS CARVER

Complainant

VS.

GLADYS CARVER

Defendant

Commission To Take Deposition

COMMISSIONER:

Witnesses:

FINAL DECREE OF DIVORCE:

THOMAS CARVER,

Complainant,

VS.

GLADYS CARVER,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed August 21, 1940
R.S. Dorch, Registrar

RECORDED

Mobile County
174

RECORDS

BILL OF COMPLAINT

THOMAS CARVER,

Complainant,

VS.

GLADYS CARVER,

Respondent.

175
107

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

Filed March 23, 1940
R.S. Dink, Register

Received 25 Day of March 1940

and on 25 Day of March 1940

I served a Copy of the within Bill of Complaint of summons
on Thomas Carver

by service on _____

W. H. HOLCOMBE, Sheriff

By W. H. Holcombe D.S.

THOMAS CARVER

VS.

GLADYS CARVER

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, Commission to Take Testimony to Miss O'Byrne Jones, Testimony of Thomas Carver and Norman Kelly, and Request for Decree in Vacation.

and in behalf of Defendant upon Answer and Waiver

R. S. Duch

Register.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. Term, 192

THOMAS CARVER , Complainant ..

vs.

GLADYS CARVER , Defendant ..

To HON. R. S. DUCK , Register :

answer of the Respondent having been filed,

In the above stated cause ~~and evidence having been taken~~ and evidence having been taken, and the cause being ready for submission for final decree, ~~and~~

~~and evidence having been taken~~ the Complainant, by Beebe & Hall

..... 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.

BEEBE & HALL,

By: *W. M. Hall*

Solicitor for Complainant.

No.

Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

THOMAS CARVER

VS.

GLADYS CARVER

REQUEST FOR DECREE IN
VACATION

FILED

August 20

19*40*

R.S. Duch

Register

RECORDED IN RECORD

VOL. PAGE

Register

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

THOMAS CARVER

vs.

GLADYS CARVER

NOTE OF TESTIMONY

Filed in Open Court this 20

day of August 1940

R.S. Dick

REGISTER

620

THE STATE OF ALABAMA
Baldwin County

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

THOMAS CARVER

COMPLAINANT

VS.

GLADYS CARVER

RESPONDENT

I, O'Byrne Jones

as ~~Register and~~ Commissioner

have called and caused to come before me Thomas Carver and Norman Kelly

witnesses named in the Requirement for Oral Examination, on the 19th day of August
1940, at the office of Beebe & Hall.

in Bay Minette, Alabama, and having first sworn said witnesses to speak the truth,
the whole truth, and nothing but the truth, the said Thomas Carver

doth depose and say as follows:

My name is Thomas Carver. I live in Baldwin County, Alabama, and am over twenty-one years of age. I have been a resident of Baldwin County, Alabama, all of my life. The Respondent, Gladys Carver, is over twenty-one years of age and a resident of Baldwin County, Alabama.

The Respondent and I were married at Foley, in Baldwin County, Alabama, on to-wit, October 14th, 1933, and we lived together as husband and wife, in Baldwin County, Alabama, until, on to-wit, November 27th, 1939; that on to-wit, in November, 1939, and just prior to the 27th, the Respondent committed the act of adultery with one Leroy Floyd, and also with other parties; that I did not give my consent to said acts of adultery on behalf of the Respondent and I have not condoned said acts, but on the contrary, have refused and do continue to refuse to live with and to have anything to do with the Respondent.

We have three children, who are now with me at my home at Foley, in Baldwin County, Alabama: Norma Jean Carver, Thomas Alvin Carver and Joseph Riley Carver, ages six, four years and nineteen months, respectively. I have a home at Foley, where the children are, and I am able and willing to care and provide for them. The Respondent, on account of her acts, is not a suitable or proper person to have the care and rearing of said children. I have practically had to care for the children all their lives, as the Respondent apparently cared very little for her children and was not attentive to them as she should have been.

I, on several occasions, got after my wife about running around and she told me, and in fact, named some several men that she had been and was running around with.

Thomas Carver

ORAL EXAMINATION

I, O'Byrne Jones, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition ~~s~~ 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 Hubert M. Hall 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 19th day of August, 1940.

O'Byrne Jones (L. S.)
Commissioner

No. _____	Page _____
THE STATE OF ALABAMA Baldwin County	
IN CIRCUIT COURT, IN EQUITY	
THOMAS CARVER	Complainant
Vs.	
GLADYS CARVER	Respondent
ORAL DEPOSITION	
Filed <u>August 19</u> , 19 <u>40</u>	Register
RECORDED IN	
Record _____	Page _____
Vol. _____	Register _____

NORMAN KELLY, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN,
DEPOSES AND SAYS:

My name is Norman Kelly. I live at Foley, in Baldwin County, Alabama, and am personally acquainted with both Thomas Carver and Gladys Carver, and knew them while they were living together as husband and wife near Foley. They have three small children, who are now and have been since I have known them with their father, Thomas Carver. I have had occasion to be around the home of Thomas Carver, and know that very often the Respondent went away from home, both day and night, and left her children there. I have talked with the Respondent and she told me that she was running around and had had dealings with a man whom she described as a furniture man, and at the same time mentioned another man who had warned her against running around with the other man. I, at that time, told her that Thomas was going to catch her and her only answer was that he didn't seem to care and that she didn't either. I know of my own personal knowledge that the Respondent was not faithful to the Complainant and did not act and treat him as a wife should.

Norman Kelly