

870

To

ROBERT S. DUCK, REGISTER,
CIRCUIT COURT IN EQUITY,
BAY MINETTE, ALABAMA.

Comes ELLA J. REYNOLDS, formerly ELLA R. MILLS, and shows that on October 10, 1942, a decree of divorce was rendered in her favor by the Circuit Court of Baldwin County against JOHN THURMAN MILLS, JR., that under the terms of said decree, the Defendant was to pay the cost of proceeding and \$70.00 in lieu of all alimony and counsel fees.

That the said Defendant, who is a seaman in the Merchant Marine, did not pay said alimony and costs, but assured petitioner that he would make an allotment of said sum out of his wages for the voyage he was then about to take; that no such allotment was made or has this alimony and costs been paid, though said Mills has been back in the port of Mobile at least twice since said decree, and at each time was amply able to do so as his wages and bonus as a seaman he is now drawing a very large pay, not less than \$300.00 monthly.

That said Mills is an engineer on the Steamer "Joseph Wheeler" of either the Waterman line or one of its affiliates, and is due to arrive in Mobile during the present week, remaining only a few days, and then putting to sea; wherefore, petitioner now prays that a writ of ne exeat now issue restraining the said JOHN THURMAN MILLS, JR., from leaving the State of Alabama until his indebtedness to Complainant and to the officials of this Court be satisfied in full.

Therefore, petitioner prays that a proper order be made and that a writ of ne exeat republicae issue accordingly.

Elliott G. Rickarby
Solicitor for Petitioner.

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me the undersigned Notary personally appeared Elliott G. Rickarby who says he is solicitor of record for Ella J. Reynolds, the above named petitioner, and that he is reliably informed and on such information so states that the averments in the foregoing petition are true.

Elliott G. Rickarby
Subscribed and sworn to before me, this the 15th day of July, 1943.

[Signature]
Notary Public, Baldwin County, Alabama

The foregoing petition being considered and it appearing from the verified allegations thereof that the Petitioner is entitled to the writ prayed for, IT IS HEREBY ORDERED that a writ of ne exeat re-publicae issue forthwith.

Done at Bay Minette, Alabama this the 15th day of July, 1943.

R. S. Luck
Register.

ELLA D. REYNOLDS MILLS

Complainant

vs

THURMAN MILLS

Respondent.

E Q U I T Y

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Comes THURMAN MILLS, Respondent in the above styled cause, and for answer to the bill of complaint says he denies each and every allegation of same.

Respondent hereby waives service and notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony, of the time and place set for taking same and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

Thurman Mills

Respondent.

Before me the undersigned Notary personally appeared THURMAN MILLS who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 30th day of September, 1942.

John M. Smith

Notary Public, Mobile, County, Alabama

STATE OF ALABAMA,
BALDWIN COUNTY.

Know all men by these presents that we, JOHN THURMAN MILLS, JR., as principal, and _____ and _____ as sureties are held and firmly bound until Robert S. Duck as Register of the Circuit Court of Baldwin County, Alabama, in Equity, in the penal sum of TWO HUNDRED DOLLARS for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and assigns, ~~and~~ waiving all rights of exemption against any process for the collection of same.

In condition of the foregoing obligation as such, whereas John Thurman Mills, Jr., has failed or refused to pay to ELLA J. REYNOLDS, formerly Ella. R. Mills, the sum of SEVENTY DOLLARS decreed to her by the Circuit Court of Baldwin County in Equity, as alimony in the case of ELLA R. MILLS vs JOHN THURMAN MILLS, JR., pending in said Court, together with the costs of said proceedings; now if the said JOHN THURMAN MILLS, JR., shall pay to the Register of said Court for the benefit of the parties concerned all of said alimony and costs in said cause, then this obligation shall be void; otherwise, to remain in full force and effect.

IN WITNESS WHEREOF of the above bound principal and sureties set their hands and seals on this the _____ day of July, 1943.

. (SEAL)

. (SEAL)

. (SEAL)

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

Sept.

Term, 194 3

Mills
No. B70. vs.

Mills, Writ,

BILL OF COSTS

Table with columns: REGISTER'S FEES, AMOUNT, SHERIFF'S FEES, AMOUNT. Includes items like Fees in Circuit Court, Sheriff's Fees (Summoning on Bill, Executing Writ, etc.), and a SUMMARY OF FEES, COSTS, AND JUDGMENT section.

TO THE HONORABLE F. W. HARE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALA:

SITTING IN EQUITY:

Comes ELLA REYNOLDS MILLS and by this her Bill of Complaint presented against THURMAN MILLS, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years and residents of Baldwin County, she residing in Fairhope and he now employed in the Merchant Marine on a vessel plying out of the port of New Orleans.

SECOND: That Complainant and Defendant were married at Lucedale Mississippi on January 10th, 1942 and immediately after such marriage took lodgings in Mobile, out of which port his steamer was then running.

THIRD: That shortly after their marriage she learned that Defendant was a drinking man and on his leave ashore he soon commenced to drink heavily and in such drinking spells was cruel and abusive. That his conduct grew worse and worse and about the middle of May he struck her and threatened her life, which violence and abuse has been repeated since then so that from his conduct she has reason to fear for her life if she continued to live with him for which reason she left him and has since lived with her parents in Fairhope. She does not dare return to him for fear of her life and his cruelty and high temper when drinking.

THE PREMISES CONSIDERED, Complainant prays that Thurman Mills be made party defendant to this cause and by proper process be required to answer this bill within the time prescribed by law.

COMPLAINANT FURTHER PRAYS that upon the hearing of this cause a decree be rendered forever divorcing her from the said Thurman Mills granting her the right to marry again should she so desire, the payment of a reasonable amount as counsel fees for the conduct of this cause and such other, further or different relief as to equity may seem meet.

Clarence S. Rinkley
Solicitor for Complainant.

ELLA R. MILLS
Complainant

vs

JOHN THURMAN MILLS, JR.
Respondent

NO. 870

E Q U I T Y

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard was submitted upon the Bill of Complaint, Answer of Respondent, 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.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the bonds of matrimony heretofore existing between ELLA R. MILLS, Complainant, and JOHN THURMAN MILLS, JR., Respondent, be and the same are hereby dissolved and the Complainant is forever divorced from the Respondent.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainant be permitted to resume her maiden name, namely; Ella Daphne Reynolds.

It is further ordered that the said Complainant, Ella R. Mills be and she hereby is permitted to again contract marriage after the payment of the costs of Court in this cause, and that the Respondent shall pay the costs of this cause herein taxed for which execution may issue and if such execution is returned "no property found," the execution for such costs may be issued against the Complainant.

It is further ordered that Respondent, John Thurman Mills, Jr., pay to Complainant for her solicitor's fee and expenses incurred in this cause, the sum of Seventy Dollars within twenty days from the date of this decree in lieu of all alimony, and that after said counsel fees and costs have been paid in full the Respondent may again contract marriage.

It is further ordered, adjudged and decreed that neither party to this cause shall again marry, except to the other, until sixty days after this date and that if an appeal is taken within sixty days, neither shall marry again, except to the other, during such pendency of appeal.

Done at Monroeville, Alabama, this the 9th day of
October, 1942.

J. W. Hare
Judge of the Circuit Court of Baldwin County.

ELLA R. MILLS
Complainant

vs

JOHN THURMAN MILLS, JR.
Respondent

E Q U I T Y

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

I, Adele Swedelius, as Commissioner acting by agreement of parties have called and caused to come before me ELLA R. MILLS and DORIS REYNOLDS, witnesses named in the requirement for oral Examination, on the 5th day of October, 1942, at the office of Elliott G. Rickarby, Fairhope, in the County of Baldwin, Alabama, and having first sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, the said witnesses do depose and say as follows:

ELLA R. MILLS

I am the Complainant in this cause, am twenty-two years of age and have lived in Baldwin County all my life. In September of 1941 I met John Thurman Mills, Jr., who is 28 years of age and a native of Citronelle, Mobile County, Alabama, but who was then a seaman on a steamer running out of Mobile. We married January 10, 1942 and boarded in Mobile so as to be convenient to his home port. We considered Fairhope, where my people live, as our home.

From almost the beginning of our married life he commenced to treat me cruelly. I did not know till then that he drank, but I soon learned it, to my sorrow. Not only was he cruel, but when he would go to sea, although he was making big money, he would leave me no funds to live on and I would have to stay with my brother and his wife, or with my parents in Fairhope where I am now living. He repeatedly struck and dragged me around and I had black and blue bruises on my body from his mistreatment. In March last I told him I thought I was pregnant and he tried to beat me on my abdomen to make me miscarry but I evaded the full force of his blows. He was in port about every month or six weeks and each time he was in port I had to underge his abuse and mistreatment. No one saw this, however except once when my sister, Doris happened

I, Adele Swedelius, Commissioner acting by agreement of the parties, hereby certify that in a cause pending in the Circuit Court of Baldwin County in Equity wherein Ella R. Mills is Complainant and J. Thurman Mills Jr., Respondent, I, as such Commissioner, called Ella R. Mills and Doris Reynolds, as witnesses, who are known to me, to appear before me in my office in Fairhope, Alabama on the 5th day of October, 1942, when, after being duly sworn by me, upon examination by Elliott G. Rickarby, Esq., Solicitor for Complainant, they testified as is hereinbefore written; that their testimony was by me reduced to writing as near as might be in their identical language, read over and subscribed by them in my presence.

I further certify that I am not of counsel or of kin to either party to the cause or in anywise interested in the results thereof.

IN WITNESS WHEREOF I hereto set my hand and seal as Commissioner this the 5th day of October, 1942.

Adele Swedelius
Commissioner.

ELIA R. MILLS
Complainant

vs.

JOHN THURMAN MILLS, JR.
Respondent

DECREE.

RECORDED

878 2

ELLA R. MILLS
Complainant
vs

THEYMAN MILLS
Respondent.

ANSWER.

Shue Det 1319412
Redbury
out

No 870.

ELLA R. MILLS,
Complainant,

vs

J. THURMAN MILLS,
Respondent.

DEPOSITION OF

ELLA R. MILLS and
DORIS REYNOLDS,

Witnesses for Complainant.

Filed September 9 1942
Revised
RWF

Commissioner's fee \$5.00
Paid by Complainant.

Ella R Mills.

VS.

Thurman Mills.

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, _____
Answer and Waiver, and Testimony, of Ella R Mills, and, Doris
Reynolds.

and in behalf of Defendant upon _____

R S Du ck. _____ Register.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

} No. 870.

Oct.

Term, 194 2

Ella R Mills.

Complainant

Vs.

Thurman Mills.

Defendant

To R S Duck.

, 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 E G Rickarby.

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.

E G Rickarby.

Solicitor for Complainant.

TO:

ANY SHERIFF IN THE STATE OF ALABAMA:

You are hereby commanded to take into your custody the person of JOHN THURMAN MILLS, JR., and bring him personally before me at my office in Bay Minette, Alabama, and to await such further orders as may be made in the matter of a petition for a writ of ne exeat republicae now pending before me on the petition of ELLA. J. REYNOLDS.

Done at Bay Minette, Alabama, this the 15th day of July, 1943.



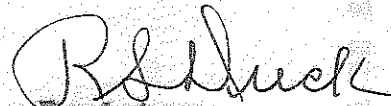
Register,
Circuit Court of Baldwin County,
Alabama.

TO:

ANY SHERIFF IN THE STATE OF ALABAMA:

You are hereby commanded to take into your custody the person of JOHN THURMAN MILLS, JR., and bring him personally before me at my office in Bay Minette, Alabama, and to await such further orders as may be made in the matter of a petition for a writ of ne exeat republicae now pending before me on the petition of ELLA. J. REYNOLDS.

Done at Bay Minette, Alabama, this the 15th day of July, 1943.



Register,
Circuit Court of Baldwin County,
Alabama.

No. 870. Page

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

Ella. R Mills.

Vs.

Thurman Mills.

REQUEST FOR DECREE IN
VACATION

Filed Oct 7th, 1942

R S Duck.

Register.

Recorded in Record

Vol. Page

Register.

RECORDED

No. 870.

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Ella R Mills.

VS.

Thurman Mills

NOTE OF TESTIMONY

Filed in Open Court this 7th

Day of Oct. 194 2

R S Duck.

Register.

87.0
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In re

JOHN THURMAN MILLS, Jr.,

* * * *

WRIT OF NE EXEAT REPLICAE.

5 A
1933 528693 Ha

These people have
no boat by the
name of ^{proprietor} ~~proprietor~~
that I know.

Received July 17, 1943
Returned August 5, 1943
Not found in my County after diligent search
and inquiry.

W. H. HOLCOMBE, Sheriff

by H. C. Blakes D.S.
J. D. McEachern

~~164~~
~~10.10~~

830

In re

JOHN THURMAN MILLS, Jr.

* * *

WRIT OF HABEAS CORPUS

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