

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

RHEA HELOISE ALLEN DILLABOUGH, Complainant

vs.

EARL C. DILLABOUGH, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXXXXXXXX~~ 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 RHEA HELOISE ALLEN DILLABOUGH is forever divorced from the said EARL C. DILLABOUGH 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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that EARL C. DILLABOUGH the Defendant pay the cost herein to be taxed, for which execution may issue.

This 23rd day of June, 1950

Julius H. Marshall
Judge Circuit Court, In Equity.

I, _____ Register of the Circuit Court of 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
No. 2491 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

RHEA HELOISE ALLEN

DILLABOUGH

Complainant

vs.

EARL C. DILLABOUGH

Respondent

DIVORCE DECREE

FILED

JUN 23 1950

ALICE J. DUCK, Register


RICKARBY & RICKARBY

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: EQUITY SIDE

TO EARL C. DILLABOUGH

You are hereby notified to appear and plead, answer or demur within thirty days of the receipt hereof to the Bill of Complaint filed in this Court at Bay Minette, Alabama, against you as Defendant by RHEA HELOISE ALLEN DILLABOUGH, as Complainant.

Witness my hand this the 22nd day of June, 1950.


Register, Circuit Court.

TO THE

HONORABLE T. J. MASHBURN, JR., JUDGE OF THE

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

IN EQUITY:

Comes RHEA HELOISE ALLEN DILLABOUGH and by this her Bill of Complaint presented against EARL C. DILLABOUGH, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years; that both are now and have been for more than five years bona fide residents of the State of Alabama.

SECOND: That Complainant and Defendant were married in Bainbridge, Georgia, on 7 March 1948 and since that date have lived together in Fairhope, Alabama, up to the early part of June, 1950, when they parted for the reasons hereinafter set out and since that time have lived separate and apart.

THREE: That the Defendant has on several times within the past six months been a victim of violent attacks of rage on which occasions he has committed actual violence to the person of the Complainant, attended with danger to her life and health, and from his conduct she has reasonable apprehension to fear that during

such attacks her bodily health and possibly her life will be in jeopardy. On one of these occasions Complainant was struck so violently by Defendant that the marks of the bruises were visible on her body and were clearly seen by relatives. Because of such behaviour she and Defendant have now parted and she has now commenced this proceeding.

THE PREMISES CONSIDERED, Complainant prays that EARL C. DILLABOUGH be made party defendant to this cause, and by proper process 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 said EARL C. DILLABOUGH, granting her the right to marry again should she so desire, and to have such other, further or different relief as to equity may seem meet.

Rickarby & Rickarby
RICKARBY & RICKARBY

Solicitors for Complainant.

RHEA HELOISE ALLEN DILLABOUGH,
Complainant

E Q U I T Y

vs

IN THE CIRCUIT COURT OF

EARL C. DILLABOUGH,
Respondent

BALDWIN COUNTY, ALABAMA

DEPOSITIONS OF RHEA HELOISE ALLEN DILLABOUGH and
MRS. LAURIE ALLEN, WITNESSES FOR COMPLAINANT.

The above named witnesses appeared before me at the time and place hereinafter stated and upon examination by counsel for Complainant, after being sworn, testified as follows:

RHEA HELOISE ALLEN DILLABOUGH

I am the Complainant in this cause and like the Defendant, Earl. C. Dillabough, am over the age of twenty-one years and am now and have been for more than five years next passed a bona fide resident of the State of Alabama. The Defendant and I were married in Bainbridge, Georgia, where we went for the purpose of being married by an old friend on March 7, 1948, and at once returned to Fairhope where we have lived together as husband and wife up to about two weeks ago when we parted because of his treatment of me. The last year of our married life has not been a happy one. Ordinarily and while things were going well, my husband was reasonable and considerate, but he is subject to violent fits of rage which come on without sufficient reason or any reason at all and when this happens, he is beside himself and on more than one occasion he has struck me. On one occasion he struck me such a violent blow on my back over my kidneys that it not only left a livid black and blue spot but for nearly two months after I could feel the effects of it when I took a deep breath. This was in December last. Since then he has struck me several times but never as violent a blow as this, up to June 11th last when he left home in a rage and came back intoxicated, at which time he flew into a tantrum of temper, went to the closet, took my clothes out and threw them on the floor and then picked up a table lamp and threw it on the floor. He did not strike me then as I left him and went to my mother's house, being afraid to stay with him lest he should do me serious harm. From his conduct and temper, I feel that to live with him any longer I would be in serious danger. The next morning after this attack, he packed up some of his personal effects and left the house, greatly to my relief and for my own safety I have now brought this suit. These acts of cruelty were committed in our home with no witnesses, but I showed the bruise on my back, mentioned above, to my mother, who also knew of the pain that I suffered from this.

Rhea Heloise Allen Dillabough

MRS. LAURIE ALLEN

I am the mother of the Complainant in this cause and have read over her testimony, which I know to be true as to the residence and marriage. I also know that my daughter and her husband would get along fairly well until he would fly into violent fits of rage, when they would have bitter quarrels and he would be very abusive. I did not see him strike her at any time, but they lived in a home only a few feet distant from mine and I could hear signs of quarrelling between them. She is of a very sweet and amiable disposition but he is erratic, temperamental and high tempered. I did know that he was mistreating her from what she told me and in December last she showed me a big black and blue spot on her back where she claimed he had struck her

the night before and which had all the appearances of a bad bruise. She complained of pain from this for a number of weeks after. From Earl Dillabough's treatment of her and his violent rages, I do not hesitate to say in my opinion if she continued to live with him, sooner or later he would do her serious harm in one of his fits of temper.

Mrs. Laurie Allen

CERTIFICATE

I, Helen P. Baugh acting as commissioner by agreement of parties hereby certify that in the case of RHEA HELOISE ALLEN DILLABOUGH vs EARL C. DILLABOUGH, pending on the Equity side of the Circuit Court of Baldwin County, I caused RHEA HELOISE ALLEN DILLABOUGH and MRS. LAURIE ALLEN, witnesses for the Complainant, to appear before me at my office in the Bank Building, Fairhope, Alabama, where, after being duly sworn, upon examination by the Solicitors for the Complainant, they testified as is above written, and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither of counsel nor of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as commissioner this the 21st day of June, 1950.

Helen P. Baugh
Commissioner.

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RECORDED

2491

RHEA HELOISE ALLEN DILLABOUGH,
Complainant

VS

EARL C. DILLABOUGH,
Defendant

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BILL OF COMPLAINT

o o o o o o o o o o o

FILED

JUN 22 1950

ALICE J. DUCK, Register

Richarby & Richarby

Handwritten notes and signatures at the top of the page.

RECEIVED JUN 23 1950
JUN 23 1950
JUN 23 1950

of RHEA HELOISE ALLEN DILLABOUGH, Complainant
vs
EARL C. DILLABOUGH, Defendant
DEPOSITIONS OF RHEA HELOISE ALLEN DILLABOUGH and MRS. LAURIE ALLEN, WITNESSES FOR COMPLAINANT

RHEA HELOISE ALLEN DILLABOUGH,
Complainant

vs

EARL C. DILLABOUGH,
Defendant

DEPOSITIONS OF RHEA HELOISE
ALLEN DILLABOUGH and MRS. LAURIE
ALLEN, WITNESSES FOR COMPLAINANT

FILED
JUN 22 1950

ALICE J. DUCK, Register

RECEIVED JUN 23 1950
JUN 23 1950
JUN 23 1950

RHEA HELOISE ALLEN DILLABOUGH

Complainant

-VS-

EARL C. DILLABOUGH

Respondent

No.
E Q U I T Y

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

Comes EARL C. DILLABOUGH, Respondent in the above styled cause, and for answer to the Bill of Complaint says he denies each allegation of same.

Respondent hereby waives 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.

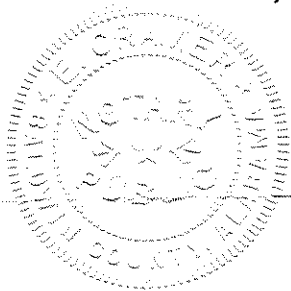
Earl C. Dillabough
Respondent.

E. G. Crames, Solicitor

Before me, the undersigned Notary, personally appeared Earl C. Dillabough, who is known to me to be the Respondent above named and who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the twentieth day of June, Nineteen Hundred Fifty.

E. G. Crames
Notary Public, Baldwin County, Alabama



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RECORDED

no 2491

RHEA HELOISE ALLEN DILLABOUGH,
Complainant

vs

EARL C. DILLABOUGH,
Respondent

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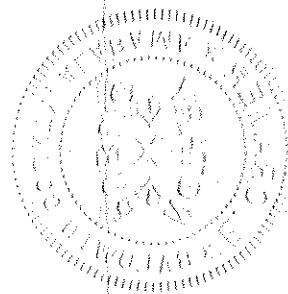
ANSWER AND WAIVER

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FILED

JUN 22 1950

ALICE J. DUCK, Register



Rhea L. Davis Allen Dillabough

vs.

Earl C. Dillabough

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____

Testimony of Complaint and
7 Mrs. L. Davis Allen

and in behalf of Defendant upon _____

Answer & Waiver

Rickarby & Rickarby

Bliss J. Wrench

Register.

RECORDED

No. 2491

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Rhea Heloise Allen Dillabough

vs.

Earl C. Dillabough

NOTE OF TESTIMONY

Filed in Open Court this 22nd

day of June, 1947

Miss J. H. H. H.
Register.

Printed By The Baldwin Times

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

June 21, 1950.

Mrs. Alice J. Duck,
Register, Circuit Court,
Bay Minette, Alabama.

Dear Mrs. Duck:

DILLABOUGH VS DILLABOUGH: With this we
send you Bill of Complaint with Answer and Waiver
of Defendant; also form of decree and copies.
Testimony comes under separate cover.

As you will note, the Defendant is repre-
sented by counsel and a property settlement in lieu
of alimony has been arranged and signed and costs
and fees are to be paid next Friday.

Please do the needful .

Sincerely,

Elliott G. Rickarby
for
RICKARBY & RICKARBY

EGR:HB
Enc - 7
2990