

IRMA T. BAILEY
Complainant

E Q U I T Y

Vs.

CIRCUIT COURT OF

JAMES P. BAILEY
Respondent

BALDWIN COUNTY, ALABAMA

This cause coming on to be heard was submitted upon Bill of Complaint, answer and agreement of parties and Complainant's evidence 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 the 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 Irma T. Bailey is forever divorced from James P. Bailey on account of cruelty.

It further appearing that a satisfactory adjustment has been made of the property owned jointly by the parties, no alimony is here decreed but Respondent is charged with the maintenance and support of the children of said marriage during their minority but the amount to be paid such support is not here adjudged, the Court reserving control of this cause for the disposition of such matters as to the care and custody of the children as may from time to time arise.

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 both parties are permitted to again contract marriage after the expiration of the period last above stated.

It is further ordered that James P. Bailey, the Respondent, pay the cost of this proceeding for which execution may issue.

Done at Monroeville this 21st day of February, 1944.

J. M. Hare
Judge Circuit Court

STATE OF ALABAMA

BALDWIN COUNTY

AGREEMENT BETWEEN IRMA T. BAILEY OF THE FIRST PART
AND JAMES P. BAILEY OF THE SECOND PART: WITNESSETH:

That whereas the parties hereto are unable to agree and first party is today filing suit for divorce; second party agrees to make no active resistance to said suit upon the following conditions:

1: All questions of the custody of the children of said marriage to be left to future determination by the Court should any necessity arise.

2: ^{The selling will} Second party to ~~temporarily~~ vacate the premises now owned by parties jointly ^{when} ~~for thirty days or until~~ pending negotiations for sale of the property are concluded whichever occurs first and which arrangement is in lieu of alimony.

3: Second party will continue the support of the children of the marriage as long as they remain in the State of Alabama.

Executed in duplicate this the Eleventh day of February 1944.

Irma T. Bailey
James P. Bailey

IRMA T. BAILEY,
Complainant

IN THE
CIRCUIT COURT

vs

OF

BALDWIN COUNTY, ALABAMA

JAMES P. BAILEY,
Respondent

DEPOSITIONS OF

IRMA T. BAILEY, ETHELRUTH BAILEY and

ANN LUCILLE BAILEY,
WITNESSES FOR COMPLAINANT

We, the said witnesses, being first duly sworn upon examination by the solicitor for Complainant, testified as follows:

IRMA T. BAILEY

I am the Complainant in this cause. Both my husband and I are over the age of twenty-one years and residents of Fairhope, Baldwin County, Alabama, for many years. We were married in Mobile but have lived here the greater part of our married life. For the past two years or more my husband and I have not been able to get along together. He is very stubborn and oppressive and has mistreated me on several occasions, so much so that I fear to live with him because of danger to my health or life. His conduct has alienated the children as well as myself. About a year ago, he became enraged with me after we had gone to bed and started choking me. He had me down and I tried to call my older daughter who slept in the next room, but was unable to call loud. My younger daughter heard me, however, and came running into the room. When she saw what was happening, she screamed and called her older sister. Then she did this my husband let me up and was on his feet when Ethelruth came into the room. I told the girls what was happening and all of us were very much upset. Since that time there has been no more violence, although my husband's and my relations were worse and worse. On December 11th last he again threatened to kill me and I feel that if I do not leave him he will carry this threat into effect. His attitude toward me and his conduct as above described convinced me of this.

ETHELRUTH BAILEY

Irma T. Bailey

I am the older daughter of the parties to this cause and I am eighteen years of age. I am employed as secretary to the Principal of the Fairhope High School. About a year ago, after my little sister and I had gone to bed, I was awakened by her scream to my father in the next room to stop hurting mother. I jumped up and ran into the room. Father was on his feet, but undressed, and Mother was lying on the bed very much upset. She told me that Father had tried to choke her. After a good deal of difficulty we got her quieted and composed, but since then, in fact before then, my parents have quarreled almost constantly and I know that they cannot continue to live together. Should they do so he is very apt to do her some serious harm if not kill her.

Ethelruth Bailey

ANN LUCILLE BAILEY

I am eleven years old and the parties to this cause are my parents. I attend school in Fairhope where we live. For the past two years Mother and Father have not gotten on at all well together. They quarrel constantly. About a year ago I do not remember what date, I was waked up in the night by hearing a smothered scream from my mother in the next room, calling my sister, I jumped up and ran

into the room and found Father holding Mother down on the bed and choking her. I screamed and he released her and let her up. Ethel-ruth came in and Mother and I told her what had happened. Mother was very much upset and we had a hard time getting her quiet. Things have been even worse since that time and I am very much afraid that Father will hurt Mother if she continues to live with him. They do not stay in the same room and there is trouble between them constantly.

Ann Lucile Bailey

CERTIFICATE

I, Helen P. Baugh, acting as commissioner by agreement of parties hereby certify that in the case of IRMA T. BAILEY vs JAMES P. BAILEY, pending in the Equity side of the Circuit Court of Baldwin County, I caused IRMA T. BAILEY, ETHELRUTH BAILEY and ANN LUCILLE BAILEY, 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 solicitor for the Complainant, they tested as is above written. That 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 of the cause or in anywise interested in the result thereof.

In witness thereof, I hereto set my hand and seal as commissioner this the eleventh day of February, 1944.

Helen P. Baugh
Commissioner.

COMMISSIONER'S FEE \$2.50. Paid by Complainant.

IRMA T. BAILEY
Complainant

vs

JAMES P. BAILEY
Respondent

E Q U I T Y
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Comes JAMES P. BAILEY, 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.

James P. Bailey
Respondent

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

Witness my hand and official seal this the Eleventh day of February 1944.

Carl L. Ploham
Notary Public, Baldwin County, Alabama

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

Comes IRMA T. BAILEY, and by this her Bill of Complaint,
presented against JAMES P. BAILEY, respectfully shows:

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

SECOND: That Complainant and Defendant were married on
September 8th, 1921, and have since that date lived near or in the
town of Fairhope, Alabama.

THIRD: That since their married live and within the last two
years the Defendant has become cruel and abusive; that approximate-
ly a year prior to this date Defendant beat Complainant cruelly and
on or about December 11th, 1943 threatened her life. Complainant
avers that because of such mistreatment she has reasonable appre-
hension to fear injury to her health or life if she continues to
live with Defendant.

FOURTH: That there was born to this marriage two daughters,
Ethel Ruth, age eighteen and Ann Lucille, age eleven, who live
with the parties in Fairhope.

FIFTH: That the parties hereto are of slender means and own
jointly a home on single tax land in the town of Fairhope.

THE PREMISES CONSIDERED, Complainant prays that James P. Bailey
be made party defendant to this cause, and by proper process re-
quired to answer this Bill within the time required by Law.

Complainant further prays that upon the hearing of this cause
a decree be rendered forever divorcing her from the said James P.
Bailey, granting her the right to marry again should she so desire,
and such other further or different relief as to equity may seem
meet.

Complainant further prays that this Court retain control of

this case for the disposition of such further questions as to disposition of property owned jointly or of custody of the younger child of the marriage may from time to time arise.

Edw. S. R. Carley
Solicitor for Complainant

1041

RECORDED

RECORDED

IRMA T. BAILEY
Complainant

Vs.

JAMES P. BAILEY
Respondent

ANSWER

Filed Feb 15-1944
Pro Se
Bailey

1041

Bailey
&
Bailey

Compliments
T. H. H. H.

Feb. 18, 1944
R. H. H. H.
B. H. H. H.

RECORDED

IRMA T. BAILEY,
Complainant

vs

JAMES P. BAILEY,
Respondent.

A G R E E M E N T .

IRMA T. BAILEY
Complainant

Vs.

JAMES P. BAILEY
Respondent

- - -

DECREE OF DIVORCE

Irma T Baileey.

VS.

James P Bailey.


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, _____

and Testimony of Complainants. witnesses. _____

and in behalf of Defendant upon ~~Answer & Waiver.~~ _____

 Register.

RECORDED

No. 1041.

The State of Alabama,

BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Bailey.

VS.

~~XXBailey~~ Bailey.

NOTE OF TESTIMONY

Filed in Open Court this 20th.

day of Feb. 194 4

R. S. [Signature]

Register.

Moore Printing Co.

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,

BALDWIN COUNTY

No. 1040.

CIRCUIT COURT BALDWIN COUNTY

Jan

TERM, 194 4

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon James P Bailey.

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

James P Bailey.

~~RESPONDANT~~

by Irma T Bailey

Complainant. ~~XXXXXXXX~~

Witness my hand this 3rd. day of January. 194 4

Clerk.