

4259

DIVORCE DECREE

PRINTED BY MOORE PTG. CO.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EDITH MAE COX

Complainant

vs.

HAYWARD BURNELL COX

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Personal Service 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

EDITH MAE COX

is forever divorced from the

said HAYWARD BURNELL COX for and on account of

Cruelty. It is ordered, adjudged and decreed by the Court that the Complainant shall have the care, custody and control of their minor child, Thelma Amanda Cox and that the Respondent shall pay to the Complainant the sum of \$15.00 per week as and for support of the said minor child.

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 payment of the cost of this suit.

It is further ordered that Edith Mae Cox

the Complainant pay the cost herein to be taxed, for which executed may issue.

This 13 day of June, 1958

Hubert M. Face
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.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

EDITH MAE COX

Complainant

vs.

HAYWARD BURNELL COX

Respondent

DIVORCE DECREE

STATE OF ALABAMA

BALDWIN COUNTY

§

§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO ANY CONSTABLE OR SHERIFF OF THE STATE OF ALABAMA:

By decree of the Circuit Court, in Equity, of the said County and State, dated the 12 day of June, 1958, the care, custody and control of Thelma Amanda Cox, aged eighteen months, was awarded to Edith Mae Cox.

You are hereby commanded to take into your custody the said Thelma Amanda Cox and deliver the said child to Edith Mae Cox until such further order of this Court.

Dated this the 12 day of June, 1958.

Hubert M. Lee
JUDGE OF THE CIRCUIT COURT

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WRIT OF ORDER

EDITH MAE COX,

Complainant

vs.

HAYWARD BURNELL COX,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

RETURN FOR INSTANTA CUSTODY

Received on the 13th day of June 1958 and on the 13th day of June 1958 I executed the within writ by taking into my possession said minor child, THELMA AMANDA COX, and placing said minor child into the hands of her mother, EDITH MAE COX, and this writ is herewith returned to court ~~for~~ for further action.

RAY D. BRIDGES, SHERIFF

BY: *Wm Jackson* D.S.

6:05-P.M.

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

EDITH MAE COX COMPLAINANT

vs.

HAYWARD BURNELL COX RESPONDENT

I, BETTY CLARK

as Register and Commissioner

have called and caused to come before me EDITH MAE COX and HELENE RADA

witness es named in the requirement for Oral Examination, on the 13th day of June

19 58, at the office of Ernest M. Bailey

in Fairhope, Alabama, and having first sworn said witness es to speak the

truth, the whole truth, and nothing but the truth, the said Edith Mae Cox

and Helene Rada doth depose and say as follows:

STATEMENT OF EDITH MAE COX:

My name is Edith Mae Cox. I am the Complainant in the above styled cause. I was married to the Respondent in Mobile, Alabama on April 28, 1956 and we lived together as man and wife until on or about October 31, 1957. On the occasion when I left the Respondent, he struck and abused me and did actual physical violence to my person. When he struck me on that occasion he broke my glasses. The Respondent has done physical harm to me on other occasions attended with danger to my life and health. I am of the opinion that if I continue to live with the Respondent, he will continue to commit physical violence to my person and will injure me permanently.

Edith Mae Cox
EDITH MAE COX

STATEMENT OF HELENE RADA:

My name is Helene Rada. I have known the Complainant for approximately twelve years. I also know the Respondent. I know of several occasions when the Complainant has been in an emotional state as a result of beatings she received from the Respondent. I saw the Complainant in July 1957 following one of those occasions and there were definite marks on her person caused by the attack and abuse of the Respondent.

Helene Rada
HELENE RADA

I, Betty Clark as Register and Commissioner hereby certify that the foregoing deposition 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 Ernest M. Bailey at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses 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 13th day of June, 19 58.

Betty Clark (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

EDITH MAE COX

COMPLAINANT

VS.
HAYWARD BERNELL COX

RESPONDENT

ORAL DEPOSITION

Filed _____, 19____

FILED
JUN 13
RECORDED 1958

Register.

Record

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: BETTY CLARK

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine EDITH MAE COX and HELENE RADA

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

EDITH MAE COX

, Complainant
and

HAYWARD BURNELL COX

Respondent

on oath, to be by you administered, upon Edith Mae Cox and Helene Rada
to take and certify the depositionS of the witnessES and return the same to our Court, with all convenient speed, under your hand.

Witness 13th day of June, 1958

Alvin J. Smith
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

EDITH MAE COX

Complainant

VS.

HAYWARD BURNELL COX

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

BETTY CLARK

WITNESSES:

EDITH MAE COX

HELENE RADA

EDITH MAE COX

vs.

HAYWARD BURNELL COX

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,
and oral testimony by Edith Mae Cox and Helene Rada

and in behalf of Defendant upon Personal Service and Recree Pro Confesso

James M. Smith
Solicitor for Complainant

Reece J. Duck
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

EDITH MAE COX

VS.

HAYWARD BURNELL COX

Note of Testimony

Filed in Open Court this

day of

FILED
JUN 13 1958
ALICE J. DUCK, Register.

ERNEST M. BAILEY
ATTORNEY AT LAW
221 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA
PHONE WA 8-9759

April
4th
1958

Mrs. Alice J. Duck
Clerk, Circuit Court
Baldwin County
Bay Minette, Alabama

In Re: Edith Mae Cox, Complainant
VS: Hayward Burnell Cox, Respondent

Dear Mrs. Duck:

Please file the enclosed Bill of Complaint for divorce
and have the same forwarded to the Sheriff for service.

It will be noted the Respondent lives at 208 Madison
Street, Mobile, Alabama.

Thanking you in advance, I am

Very truly yours,

Ernest M. Bailey by H.B.

Ernest M. Bailey
EMB:b
Enclosures

4259

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

Edith Mae Cox
Complainant,
Vs. Hayward Burnell Cox
Respondent.

In the Circuit Court.
In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent _____
Hayward Burnell Cox

by the Sheriff of Mobile County, on the 9 day of April
194⁵⁸

And it further appears to the Register, that that the said _____

Hayward Burnell Cox

_____ the Respondent, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,
on motion of Ernest M. Bailey Solicitors
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,
and it hereby is, in all things taken as confessed against the said _____

Hayward Burnell Cox

This 12th day of June, 194⁵⁸

Reis J. Duck
Register.

No. _____

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

Edith Mae Cox

Complainant,

Vs.

Hayward Burnell Cox

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 17 day of June

1948.

Adrian J. Church
Register.

THE STATE OF ALABAMA, }
Baldwin County } No. _____ Circuit Court, In Equity.

EDITH MAE COX

Complainant...

Vs.

HAYWARD BURNELL COX

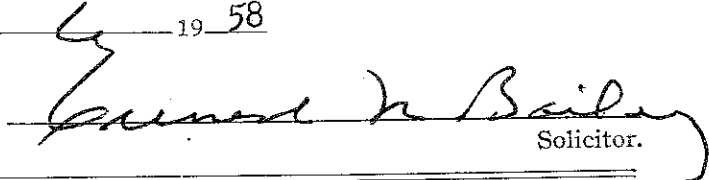
Defendant....

Motion is hereby made for a Decree Pro Confesso against Hayward Burnell Cox

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... ha failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 12th day of June 4 19 58


Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

EIDTH MAE COX

Vs.

HAYWARD BURNELL COX

Motion for Decree Pro Confesso on
Personal Service

Filed 6-12 19 58

W. J. H. H. H.
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

STATE OF ALABAMA - BALDWIN COUNTY § IN THE CIRCUIT COURT
 § IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Hayward Burnell Cox to appear and plead, answer or demur, within thirty days from the service of this rit, to the Bill of Complaint filed in Circuit Court of Baldwin County, Alabama, in Equity, by Edith Mae Cox, as Complainant, against Hayward Burnell Cox, as Respondent.

Witness my hand this the 7 day of April, 1958.

Heise J. Smith
REGISTER

EDITH MAE COX,	§	IN THE CIRCUIT COURT OF
Complainant		BALDWIN COUNTY, ALABAMA
vs.	§	IN EQUITY
HAYWARD BURNELL COX,	§	
Respondent		

Comes your Complainant, Edith MaeCox, and files this her Bill of Complaint for divorce against Hayward Burnell Cox, and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and Respondent are over the age of twenty-one years and the Complainant is a resident of Baldwin County, Alabama, residing at Silverhill, Alabama, ^{at the time of separation} and the Respondent is a resident of Mobile County, Alabama, residing at 208 Madison Street, Mobile, Alabama.

SECOND:

That the Complainant and the Respondent were married on, heretofore, to-wit, April 28, 1956 in Mobile, Alabama, and lived together as man and wife until on, to-wit, October 31, 1957, when, on account of the matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent, except for periods of short duration when Complainant was forced to live with Respondent; that on, towit, October 31, 1957, the Respondent threatened the life of Complainant and did beat, abuse

curse, threaten and hit and hurt the Complainant in this: He struck her on or about the head and body; that on prior occasions during this marriage between the Complainant and Respondent, the Respondent had struck and beaten the Complainant, attended with danger to her life and health.

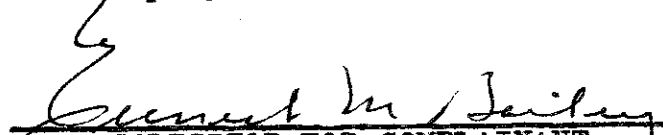
THIRD:

That there was born of this marriage between Complainant and Respondent the following named child, Thelma Amanda Cox, aged eighteen months. That the Complainant is a fit and proper person to have the care, custody and control of the said child. That your Complainant has no money or property with which to properly support and educate said minor child and the Respondent is able to pay your Complainant sufficient amounts to properly educate and support said child. That your Complainant has employed Ernest M. Bailey as her Solicitor of Record to prosecute this cause of action and she is unable to pay him a reasonable Solicitor's fee for his services in this matter.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Hayward Burnell Cox be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause Your Honor will award the Complainant custody and control of her minor child herein named and will order and decree that the Respondent shall pay your Complainant the sum of Fifteen (\$15.00) Dollars a week as support of such child; that Your Honor, if he deems necessary, will order a reference to determine such support as may be necessary as and for support of said minor child. That Your Honor will also order and decree that the Respondent be required to pay Ernest M. Bailey a reasonable Solicitor's fee for his services in prosecuting this cause; that Your Honor will also grant unto Complainant an absolute divorce from Respondent and decree that the parties be allowed to remarry if they see fit. Should Complainant be mistaken in the relief prayed for, that there be granted to her such

other, further or different relief to which she may be entitled
and as in duty bound she will ever pray.


SOLICITOR FOR COMPLAINANT

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