

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Ruth McLain Complainant

VS.

James E. McLain Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Ruth McLain and Edna Irwin

witness^{ss} named in the Requirement for Oral Examination, on the 20 day of May
1955, at the office of Wilters & Brantley
in Bay Minette, Alabama, and having first sworn said Witness ss to speak the
truth, the whole truth, and nothing but the truth, the said Ruth McLain and Edna Irwin
doth depose and say as follows:

My name is Ruth McLain and I am the Complainant in this case. The Respondent, James E. McLain at the time this suit was filed was a resident of Baldwin County, Alabama. We are both over twenty-one years of age.

The Respondent and I were married at Lucedale, Mississippi on October 4, 1944, and lived together as husband and wife until the 17th day of December, 1954. On December 17, 1954, the Respondent threatened and abused me and he did commit actual violence on my person by striking me about the face and body. The conduct of the Respondent was such as to give me every reason to believe and I do believe that if I continue to live with him he will carry out his threats to do violence to me which would necessarily endanger my life and health.

There was born to our marriage two children, Patsy Ruth McLain age 7, and Daniel Walker McLain, age 2, that the said children are now and have been all their lives with me. I am the suitable, fit and proper person to have their care, custody and control. The Respondent is not a suitable, person to have the care, custody and control of our minor children. The Respondent is an abled bodied man and makes an income of approximately \$3600.00 per year. I have no property or means of income except my own labor. Your Complainant and the Respondent jointly own a home in Roberts-dale, in Baldwin County, Alabama, which is described as follows:

Beginning at Northeast corner of Northwest quarter of Section 6, Township 6 South, Range 4 East, run to a line South 500 feet for a beginning corner, thence South 40 feet, thence West 150 feet, thence North 40 feet, thence East 150 feet to beginning point, being further described as the South 40 feet of Lot 10, Block 50 of the Oscar Johnson Subdivision of East Silverhill.

This home was acquired through the efforts of both your Complainant and the Respondent. I have been paying the payments on this home for the past six months. The Respondent has not helped me make these payments at all. The payments amount to \$23.24 a month. It has been necessary for your Complainant to employ an attorney to bring this suit and I have no separate estate to pay an attorney fees and I have employed the firm of Wilters & Brantley, Attorneys at Law, Bay Minette, Alabama.

Ruth McLain

My name is Edna Irwin. I have know the Complainant and Respondent all their lives. I know that for the past several years they have been having trouble making a go of their married life. I saw Ruth on December 17, 1954, shortly after the Respondent had struck her. I could tell by the color of her face that she had been struck by someone recently. I believe it will be to the best interest of both of the parties that they be separated.

Edna Irwin

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition is on Oral Examination was taken down by me in writing in the words of the witness as and read over to them and they signed the same in the presence of myself and Harry J. Wilbers Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness as or had proom made before me of the identity of said witness as; 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 20 day of May, 1945

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Ruth McLain

vs. Complainant

James B. McLain

Respondent.

Oral Deposition

Filed 3-20, 1945

Augustine, Register.
Recorded in _____

Record _____

Vol. _____ Page _____

_____, Register.

3461

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Ruth McLain Complainant

VS.

James E. McLain Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Ruth McLain and Edna Irwin

witnesses named in the Requirement for Oral Examination, on the 20 day of May
1945, at the office of Wilters & Brantley
in Bay Minette, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said Ruth McLain and Edna Irwin

doth depose and say as follows:

My name is Ruth McLain and I am the Complainant in this case. The Respondent, James E. McLain at the time this suit was filed was a resident of Baldwin County, Alabama. We are both over twenty-one years of age.

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There was born to our marriage two children, Patsy Ruth McLain age 7, and Daniel Walker McLain, age 2, that the said children are now and have been all their lives with me. I am the suitable, fit and proper person to have their care, custody and control. The Respondent is not a suitable, person to have the care, custody and control of our minor children. The Respondent is an abled bodied man and makes an income of approximately \$3600.00 per year. I have no property or means of income except my own labor. Your Complainant and the Respondent jointly own a home in Robertsdale, in Baldwin County, Alabama, which is described as follows:

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Ruth McLain

My name is Edna Irwin. I have know the Complainant and Respondent all their lives. I know that for the past several years they have been having trouble making a go of their married life. I saw Ruth on December 17, 1954, shortly after the Respondent had struck her. I could tell by the color of her face that she had been struck by someone recently. I believe it will be to the best interest of both of the parties that they be separated.

Edna Irwin

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness as and read over to them and they signed the same in the presence of myself and Harry J. Wiltons Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness as or had proom made before me of the identity of said witness as; 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 20 day of May, 1945

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Ruth Kelein

vs. Complainant

James E. Kelein

Respondent.

Oral Deposition

Filed 3-22, 1945

Angel-Veruca, Register.
Recorded in _____

Record _____

Vol. _____ Page _____

Register. _____

RUTH McLAIN

COMPLAINANT

VS

JAMES E. McLAIN

RESPONDENT

)

IN THE CIRCUIT COURT OF

)

BALDWIN COUNTY, ALABAMA,

)

IN EQUITY

)

)

FINAL DECREE

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 the Respondent be, and the same are hereby, dissolved, and that the said Ruth McLain is forever divorced from the said James E. McLain for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Complainant be, and she is hereby awarded the care, custody and control of the minor children, Patsy Ruth McLain, age 7 and Daniel Walker McLain, age 2, with the right of the respondent to visit them at reasonable times.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Respondent pay to the Complainant the sum of FIFTEEN (\$15.00) DOLLARS per week for the maintenance and support of the minor children, said payment to commence June 1, 1955, and each week thereafter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent pay the Firm of Wilters & Brantley an attorneys fee in the amount of SEVENTY FIVE (\$75.00) DOLLARS.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant have the use and benefit of the house and land owned by them jointly and further described as follows:

Beginning at Northeast corner of Northwest quarter of Section 6, Township 6 South, Range 4 East, run to a line South 500 feet for a beginning corner, thence South 40 feet; thence West 150 feet, thence North 40 feet, thence East 150 feet to beginning point, being further described as the South 40 feet of Lot 10 Block 50 of the Oscar Johnson Subdivision of East Silverhill.

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 agains 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 James E. McLain the Respondent pay the cost herein to be taxed, for which execution may issue.

This 31st day of May, 1955.

Hubert M. Hall
JUDGE CIRCUIT COURT IN EQUITY

RUTH McLAIN

COMPLAINANT

VS

JAMES M. McLAIN

RESPONDENT

FINAL DECREE

FILED

MAY 31 1955

ALICE J. DUCK, Register

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

Ruth McLain
Complainant,
Vs. James E. McLain
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
James E. McLain

by the Sheriff of Baldwin County, on the 6th day of February,
1945.

And it further appears to the Register, that that the said
James E. McLain

_____ 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 Harry J. Winters Jr. 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
James E. McLain

This _____ day of _____, 194_____

Register.

No. _____

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

Huth McLain

Complainant,

Vs.

James E. McLain

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 19 day of May
1945.

Alice J. ...
Register.

THE STATE OF ALABAMA, }
Baldwin County

No. _____ Circuit Court, In Equity.

Ruth McLain

Complainant

Vs.

James E. McLain

Defendant

Motion is hereby made for a Decree Pro Confesso against James F. McLain

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 19 day of May 19 55

Solicitor.

No. ----- Page -----

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

Ruth McLain

Vs.

James E. McLain

Motion for Decree Pro Confesso on
Personal Service

Filed 5-19 1955

Alice J. Newell
Register.

Recorded in ----- Record

Vol. ----- Page -----

Register.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons JAMES E. McLAIN to appear and plead, answer or demur within thirty days from the service hereof to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by RUTH McLAIN, as Complainant and against James E. McLain, as Respondent.

WITNESS my hand this the 7 day of February, 1955.

Henry J. ...
Register

RUTH McLAIN	Ø	IN THE CIRCUIT COURT OF
COMPLAINANT	Ø	BALDWIN COUNTY, ALABAMA,
VS	Ø	IN EQUITY
JAMES E. McLAIN	Ø	NO.
RESPONDENT	Ø	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainant, Ruth McLain, respectfully represents unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both over twenty-one years of age and bona fide residents of Baldwin County, Alabama, and have been for more than one year next preceding the filing of the complaint.

2.

That Your Complainant and the Respondent are husband and wife having intermarried at Lucedale, Mississippi, on 4th day of October, 1944; that they lived together as husband and wife in Baldwin County until the 17th day of December, 1954.

3.

That on the 17th day of December, 1954, the Respondent threatened and abused your Complainant and did actual violence to her person by striking her about the face and body; that the conduct of the Respondent was such as to give your Complainant every reasonable apprehension to believe and she does actually believe that if she continues to live with him he will carry

out his threats and do violence to her person which would necessarily endanger her life and health.

4.

That there was born to the marriage between your Complainant and the Respondent two children, Patsy Ruth McLain, age 7, and Daniel Walker McLain age 2; that said children are now and have been all of their lives with your Complainant, who is a suitable, fit and proper person to have their care, custody and control; that the Respondent is not a suitable person to have the care, custody and control of said minor children.

5.

That the Respondent is an able bodied man and makes an income of approximately \$3600.00 per year; that the Complainant has no property or means of income except from her own labor.

6.

That your Complainant and the Respondent jointly own a home in Robertsdale, in Baldwin County, Alabama, described as follows, to-wit:

~~Beginning at Northeast corner of Northwest quarter of Section 6, Township 6 South, Range 4 East, run to a line South 500 feet for a beginning corner, thence South 40 feet; thence West 150 feet, thence North 40 feet, thence East 150 feet to beginning point, being further described as the South 40 feet of Lot 10, Block 50 of the Oscar Johnson Subdivision of East Silverhill.~~

That the said home was acquired through the mutual efforts of the Complainant and the Respondent.

7.

That it was necessary for your Complainant to employ an attorney to bring this suit and that she has no separate estate to pay the attorney's fee.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said James E. McLain party Respondent to this cause of action requiring him 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; that your Honor will order a reference to determine a reasonable amount to be paid by the Respondent to the Complainant as alimony pendente lite and for the support of the minor children, and also to determine a reasonable attorney fees to be paid by the Respondent to the

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons JAMES E. McLAIN to appear and plead, answer or demur within thirty days from the service hereof to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by RUTH McLAIN, as Complainant and against James E. McLain, as Respondent.

WITNESS my hand this the 7 day of ^{February} ~~October~~, 1955.

Henry J. Hester
Register

RUTH McLAIN)	IN THE CIRCUIT COURT OF
COMPLAINANT)	BALDWIN COUNTY, ALABAMA,
VS)	IN EQUITY
JAMES E. McLAIN)	NO. _____
RESPONDENT)	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainant, Ruth McLain, respectfully represents unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both over twenty-one years of age and bona fide residents of Baldwin County, Alabama, and have been for more than one year next preceding the filing of the complaint.

2.

That Your Complainant and the Respondent are husband and wife having intermarried at Iucedale, Mississippi, on 4th day of October, 1944; that they lived together as husband and wife in Baldwin County until the 17th day of December, 1954.

3.

That on the 17th day of December, 1954, the Respondent threatened and abused your Complainant and did actual violence to her person by striking her about the face and body; that the conduct of the Respondent was such as to give your Complainant every reasonable apprehension to believe and she does actually believe that if she continues to live with him he will carry

Complainant.

Complainant further prays that upon a final hearing hereof your Honor will enter a decree forever barring the bonds of matrimony between your Complainant and the Respondent, that the Complainant be awarded also a reasonable amount as may seem just and proper as permanent alimony and for the support of the minor children, Patsy Ruth McLain and Daniel Walker McLain; that your Complainant be awarded the custody, care and control of the said children; that your Honor determine and establish the rights of your Complainant to the homeplace which is described as "Beginning at the Northeast corner of the Northwest quarter of Section 6, Township 6 South, Range 4 East, run to line South 500 feet for the beginning corner, thence South 40 feet, thence West 150 feet, thence North 40 feet, thence East 150 feet to the beginning point, being further described as the South 40 feet of Lot 10, Block 50, Oscar Johnson Subdivision of East Silverhill.

That Your Honor will award to the Complainant such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

Wilters & Brantley

FILED
Feb. 7, 1955
CLAUDE L. BRICK, Register

BY:

Mary J. Wilters
Solicitors for the Complainant

2-9-55

filed No 3461

Received _____ day of _____ 19____
and on 9 day of Feb 1955
I served a copy of the within
on James E. McLain
by service on _____

TAYLOR WILKINS, Sheriff
By L. L. Steadman

RUTH MCLAIN

COMPLAINANT

VS

JAMES E. MCLAIN

RESPONDENT

BILL OF COMPLAINT

FILED
FEB 17 1955

ALICE J. DUCK, Register

EX 110 72

Ruth McLain

vs.

James H. McLain

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, _____
Decree pro confesso on personal service of Respondent and testimony of _____

Ruth McLain and Edna Irwin

and in behalf of Defendant upon _____

William B. Bentley
by J. J. Walters

Henry ...
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Ruth McLain

vs.

James E. McLain

NOTE OF TESTIMONY

Filed in Open Court this 20

day of May, 1945

Avery French
Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Evelyn Watts

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 Ruth McLain and Edna Irwin

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

Complainant
and James E. McLain is

Respondent
on oath, to be by you administered, upon Ruth McLain and Edna Irwin
to take and certify the deposition ^s of the witness ^s and return the same to our Court, with all convenient speed, under your hand.

Witness 19 day of May, 1955

Alvin J. Duck
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Ruth McLain

Complainant—

vs.

James E. McLain

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Evelyn Watts

WITNESSES:

Ruth McLain

Edna Irwin

3461