

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon James Perry to appear within thirty days from the service of this writ in the Circuit Court, Equity side, to be held for said County at the place of holding the same, then and there to answer the Complaint of Helen Perry.

WITNESS my hand this 28th day of February, 1956.

Alice J. Durr
Register.

Respondent's address is 861 Davis Avenue, Mobile, Alabama.

* * * * *

HELEN PERRY,

Complainant,

VS.

JAMES PERRY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Your Complainant, Helen Perry, respectfully represents unto the court and your Honor as follows:

1. Your Complainant is over the age of twenty-one years and is a resident of Baldwin County, Alabama, and has been a bona fide resident citizen of the State of Alabama for more than one year next preceding the filing of this Bill of Complaint, but she is presently living in Columbus, Georgia. That the Respondent, James Perry, is over the age of twenty-one years and is a resident of Mobile County, Alabama.

2. Your Complainant and the Respondent were lawfully married on or about to-wit, February 15, 1941, in Pensacola, Florida, and lived together as man and wife until the month of September, 1952.

3. There was born to this marriage the following children: William Perry, a son ~~nine~~^{Seven} years of age and Yvonne Perry, a daughter ~~nine~~^{Seven} years of age. The said children are now in the care, custody and control of your Complainant and she alleges that she is a fit and proper person to have the care, custody and control of said minor children.

4. Your Complainant avers and charges that the said Respondent did on to-wit, September 9, 1952, commit actual violence on her person attended with danger to her health and life; Complainant avers and charges that Respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her she is reasonably convinced that he will commit an actual violence upon her person attended with danger to her life and health if she continues to live with him.

5. Your Complainant further avers and charges that the Respondent did during the month of September, 1952, voluntarily abandon the bed and board of your Complainant, since which time Complainant and Respondent have not lived together nor in any way recognized each other as husband and wife.

6. Your Complainant avers that it has become necessary for her to employ an attorney to represent her in this cause and that she is without funds to pay her said attorney for services rendered and to be rendered by him in this cause.

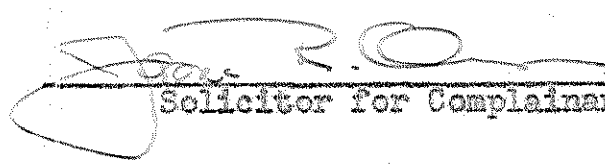
7. Your Complainant avers that she and the Respondent are joint owners or tenants in common of the following described property situated in Baldwin County, Alabama, to-wit:

From the Southwest corner of Section 20, Township 5 South, Range 2 East, run North 516.8 feet to a point; run thence East 660 feet to a point; run thence North 330 feet to the point or place of beginning; run thence North 330 feet; run thence East 660 feet; run thence South 330 feet; run thence West 660 feet to the point or place of beginning, containing 5 acres, more or less.

Your Complainant further avers that the above described property was conveyed to your Complainant and the Respondent by her father and mother, Lloyd Thomas and Louise Thomas, his wife,

by deed dated March 15, 1948, and recorded in Deed Book 128 N. S. at page 483-4, Baldwin County, Alabama Records. Your Complainant further alleges that she and the Respondent through their joint efforts constructed a dwelling house on the above described property intending it to be their home.

The premises considered, your Complainant makes the said James Perry a party respondent to this Bill of Complaint and in order that your Complainant may have the relief prayed for herein, may it please the court to cause the State's Write of Subpoena to be issued, directed to the said James Perry, commanding him to plead, answer or demur to this Bill of Complaint, within the time required by law; and that upon a final hearing of this cause, your Honor will make and enter a decree divorcing your Complainant from the said Respondent, awarding the care, custody and control of the said minor children to your Complainant, will fix a monthly sum to be paid to your Complainant by the Respondent for alimony and order that the Respondent pay said monthly sum, will decree that the Respondent's interest in the above described property be vested in your Complainant as permanent alimony, fix an amount to be paid to your Complainant's attorney for his services rendered in this cause and order that this sum be paid by the said Respondent and that your Honor will grant such other, further and different relief as may seem just and proper, the premises considered.


Solicitor for Complainant.

HELEN PERRY,)	
)	
Complainant,)	IN THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA
VS.)	
)	IN EQUITY
JAMES PERRY,)	NO. 3732
)	
Respondent.)	

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

Your Petitioner, Helen Perry, who is over the age of twenty-one years and a resident of Baldwin County, Alabama, respectfully shows unto the Court and your Honor as follows:

1. That on the 7th day of April, 1956, in the above styled cause a final decree was rendered divorcing your Petitioner, the Complainant, from James Perry, her husband; and in said decree the said James Perry was directed to pay to your Petitioner on the first day of May, 1956, and monthly thereafter, the sum of Eighty Dollars (\$80.00) as alimony for the support and maintenance of yourself and the minor children described in the Bill of Complaint in this cause and further to pay to James R. Owen, as solicitor for Petitioner the sum of One Hundred Fifty Dollars (\$150.00) for his services rendered in this cause.

2. That the said James Perry has failed to make any payment as required by said decree, although having the sufficient means to comply with said decree, and has wilfully and contemptuously refused to obey said decree.

The premises considered your Petitioner prays that a rule be issued to the said James Perry requiring him at a time and place to be therein stated, to appear before the Court and show cause, if any he have, why he should not be punished as for a contempt.

Petitioner further prays for such other, further and general relief as may be mete and proper, the premises considered.


 Solicitor for Petitioner.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared James R. Owen, who is known to me and who by me being first duly sworn deposes and says: That he is the solicitor for the Petitioner in the above styled cause and that he has been informed of the facts alleged in the above petition and verily believes that the facts therein stated are true.

James R. Owen

Sworn to and subscribed before me on this 4th day of June, 1956.

J. A. Madbury
Notary Public, Baldwin County, Alabama.

HELEN PERRY,

Complainant,

VS.

JAMES PERRY,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3732

JUDGMENT OF CONTEMPT

This matter coming on to be heard is submitted for a decree upon the verified petition for a rule to show cause; order setting date for hearing of said petition; order continuing the said cause until July 25, 1956; and testimony which was taken orally before the Court; upon the consideration of all of which the Court is of the opinion that the said James Perry possesses the means, and has wilfully and contemptuously refused to pay to Helen Perry the alimony and support heretofore directed in her favor, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the said James Perry is in contempt of Court.
2. That as punishment for his said contempt he be confined in the jail of Baldwin County, Alabama, for a period of three days and at the expiration of the said three day period he shall report to this Court for such other orders and decrees as the Court may deem proper.
3. That the Register of this Court forthwith issue a writ directed to any Sheriff of the State of Alabama commanding him to take the said James Perry into his custody and confine him in the jail of Baldwin County, Alabama, for a period of three days and at the expiration of three days to produce the body of the said James Perry for further orders.

It is further ordered that James Perry be taxed with all costs accrued by reason of said petition and this writ.

ORDERED, ADJUDGED AND DECREED on this 2nd day of August, 1956.

J. Luther M. Hall
Judge.

JUDGMENT OF CONTEMPT

HELEN PERRY,

VS.

JAMES PERRY,

Complainant,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3732

FILED
AUG 2 1956

ALICE J. DUCK, Register

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ORDER

HELEN PERRY,

Complainant,

VS.

JAMES PERRY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3732

FILED

JUL 13 1956

ALICE J. DUCK, Clerk

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DECREE PRO CONFESSO

HELEN PERRY,
Complainant,
VS.
JAMES PERRY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3732

FILED

APR 2 1956

ALICE J. BUCK, Registrar

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HELEN PERRY,

Complainant,

VS

JAMES PERRY,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3732

This day came Helen Perry, by her solicitor, and filed herein her verified petition praying that James Perry be required to appear and shows cause, if any he have, why he should not be punished as for a contempt in regard to the nature of things set out in the verified petition; upon consideration of the said petition, it is,

ORDERED, ADJUDGED AND DECREED by the Court that the said James Perry appear before the Court at 10:00 A. M. on the 15th day of June, 1956, in the Circuit Court of Baldwin County, Alabama, and show cause, if any he have, why he should not be punished as for a contempt.

That a copy of said petition and of this rule to show cause be served forthwith, personally upon the said James Perry by the Sheriff of Mobile County, Alabama.

ORDERED, ADJUDGED AND DECREED on this the 4 day of June, 1956.

Hubert Wallace
Judge

Respondent's address is 861 Davis Avenue, Mobile, Alabama.

North 330 feet; run thence East 660 feet; run thence South 330 feet; run thence West 660 feet to the point or place of beginning, containing five acres, more or less.

be divested of the Respondent, James Perry, and title to the said property is hereby vested in the Complainant, Helen Perry, as permanent alimony, all in accordance with Equity Rule 72 of the 1940 Code of Alabama.

5. That the Respondent, James Perry, pay to James R. Owen, as solicitor for the Complainant, the sum of One Hundred Fifty Dollars (\$150.00) for his services rendered in this cause for the Complainant.

6. That the Complainant, Helen Perry, and the Respondent, James Perry, are hereby permitted to again contract marriage upon the payment of the costs of court in this cause provided, however, that neither shall remarry again, except to each other, until sixty days after this date, and if an appeal from this decree is taken within sixty days from the date hereof then neither shall marry again, except to each other, during the pendency of said appeal.

7. That the Respondent, James Perry, pay the costs of this proceeding for the collection of which let execution issue after the expiration of thirty days from this date.

ORDERED, ADJUDGED AND DECREED on this the 7th day of April, 1956.

Robert M. Hall
Judge.

FINAL DECREE

HELEN PERRY,

Complainant,

VS.

JAMES PERRY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3732

R 1/50

Filed 4-7-56
Alice French
Register

RECORDED

4-7-56

W. 59.60

FILED

APR 7 1956
BALDWIN COUNTY ALABAMA
CLERK OF THE CIRCUIT COURT

NOTE OF TESTIMONY

HELEN PERRY,
Complainant,
VS.
JAMES PERRY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3732

FILED
APR 2 1956
ALICE J. DUCK, Register

4500

HELEN PERRY,
complainant,
VS.
JAMES PERRY,
Respondent.

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

April 6, 1956.

TESTIMONY TAKEN IN CHAMBERS, BEFORE HON. HUBERT M. HALL, JUDGE
OF THE 28TH JUDICIAL CIRCUIT OF ALABAMA:

HON. JAMES R. OWEN, Solicitor for Complainant.

HELEN PERRY, THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owen.

Q. State your name to the Court?

A. Helen Perry.

Q. Where do you live?

A. Daphne, Alabama.

Q. Are you over the age of 21 years?

A. Yes sir.

Q. How long have you been a resident of Baldwin County, Alabama?

A. Life time.

Q. How old is the Respondent, James Perry?

A. 36.

Q. Where does he live?

A. Mobile.

Q. When were you and James Perry married?

A. February 15, 1941.

Q. Where?

A. Pensacola, Florida.

Q. How long did you all live together as man and wife?

A. Until September, 1952.

Q. Did you all have any children born of this marriage?

- A. Yes sir.
- Q. Who are those children?
- A. William Perry and Yvonne Perry.
- Q. How old are they?
- A. Seven.
- Q. They are twin children?
- A. Right.
- Q. Where are those children now?
- A. With me in my home.
- Q. Have you had the care, custody and control of these children since September of 1952?
- A. Yes I have.
- Q. Are you a fit and proper person to have the care, custody and control of these minor children?
- A. Well I think so.
- Q. Since you and your husband separated in September of 1952, has he contributed any money for the support and maintenance of you and your two minor children?
- A. One \$20.00.
- Q. One \$20.00 since September of 1952?
- A. That's right.
- Q. What does your husband do?
- A. He operates a tavern.
- Q. Where?
- A. In Mobile.
- Q. Does he operate anything else in conjunction with that Tavern? A Restaurant or anything?
- A. No. He has a part time program on W.M.O.S. Radio Station.
- Q. In addition to his operation of this tavern, is that right?
- A. That is right.
- Q. Can you give the Court any idea or opinion of his monthly earnings from the operation of this tavern and this radio program?
- A. Well I don't know definitely, but I would say approximately

\$400.00 to \$500.00 a month, or more.

Q. Per month?

A. Yes sir.

Q. What were the circumstances surrounding your separation in September of 1952?

A. False accusations for one thing.

Q. What else?

A. Cruelty.

Q. What did this cruelty consist of?

A. Knife inflicted wounds.

Q. When did that happen?

A. On September 9, 1952.

Q. What sort of wounds did he inflict on you with this knife?

A. A deep stab wound in the left ilium - right here - my hip bone, and a deep laceration across my left shoulder.

Q. Did you see a Doctor on those occasions?

A. I was in the hospital.

Q. Were there any stitches taken for those cuts and stabs?

A. I imagine between 25 and 30.

Q. How long were you under a Doctor's care?

A. Well for about a week.

Q. And have you and James lived together since that time as husband and wife?

A. No .

Q. At that time did you inflict any kind of physical injury on him?

A. No, I was in no position.

Q. Has it become necessary for you to employ an Attorney in this case to represent you?

A. Yes sir.

Q. Do you have any money with which to pay your Attorney for services rendered in this cause?

A. No, not now.

Q. Look at this complaint and look at the property described

in paragraph 7 and I will ask you if you and your husband are joint owners or tenants in common of that property?

A. Yes sir, we are joint owners.

Q. Did you - where did you all get that property?

A. My father gave it to me - gave it to us.

Q. Gave it to both of you?

A. Yes sir.

Q. Was there a dwelling house on this property at the time he gave it to you?

A. No.

Q. Is there now a dwelling house on it?

A. Yes sir.

Q. Who built that house?

A. My father.

Q. Who furnished the materials?

A. We did.

Q. We @ you mean you and your husband?

A. That's right.

Q. In your best judgment, how much did you pay on the building materials which went in the construction of this house?

A. I would say approximately \$1500.00.

Q. Who paid that?

A. I paid the biggest portion, because he was in and out - on his way out - this was before the cutting.

Q. How much did you pay, in your best judgment?

A. I imagine I paid two-thirds, or approximately \$1,000.

Q. Who paid for the labor which went into this construction of this house?

A. Nobody.

Q. Was there any charge for the labor?

A. No.

Q. Who actually performed this labor for you.

A. My father.

Q. Did any one help your father?

A. Yes.

Q. Who?

A. George Jones.

Q. Is he here today?

A. Yes sir.

Q. In your opinion, what is the value of this house and lot where you are presently living -- That is, the house situated on the property described in the complaint?

A. I would say between \$3,000.00 and \$5,000. I am not living in this house.

GEORGE JONES, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owen.

Q. State your name to the Court, please?

A. George Jones.

Q. Do you know this piece of property where Helen - which Helen and her husband, James Perry own in Daphne, Baldwin County, Alabama?

A. Yes sir.

Q. Did you help construct the house on that property?

A. I did.

Q. In your opinion, what is the reasonable market value of that house and lot there where she is now living?

A. About \$3,000. They - She is not living in this house.

FLOYD SWEARINGEN, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Owen.

Q. State your name to the Court?

A. F. G. Swearingen.

Q. What is your occupation?

A. Attorney.

Q. How long have you been practicing law?

A. Two and one half years.

Q. I will ask you to examine the file in this case. In your opinion, Mr. Swearingen, what would be a reasonable Attorney's fee for the Complainant's Solicitor in this case?

A. I would say \$150.00.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 6, both inclusive, correctly sets forth a true and correct transcript of the evidence in this case.

This 6th day of April, 1956.

Louise J. Swearingen
Official Court Reporter.

HELEN PERRY,

Complainant,

VS.

JAMES PERRY,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3732

WRIT OF ARREST

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Whereas, on the 2 day of August, 1956, a decree was rendered by the Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, directing the Register to issue a writ directed to any Sheriff of the State of Alabama requiring him to confine James Perry in the jail of Baldwin County, Alabama, for a period of three days and at the expiration of the said three day period to produce his body in the Circuit Court of Baldwin County, Alabama, for further orders.

You are, therefore, hereby commanded to cause the said James Perry to be taken into your custody and confined in the jail of Baldwin County, Alabama, for a period of three days and at the expiration of the said three day period to produce his body in the Circuit Court of Baldwin County, Alabama, for such orders as the Court may deem proper.

Herein fail not, and show by your return how you have executed this writ.

WITNESS my hand, this the 2 day of August, 1956.

Alice J. ...
Register.

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WRIT OF ARREST

HELEN PERRY,
Complainant,

VS.

JAMES PERRY,
Respondent.

*861 Wagon Road
Mobile*

Sheriff claims 60 miles at
Ten Cents per mile Total \$ 6.00
TAYLOR WILKINS, Sheriff

BY _____
DEPUTY SHERIFF

*Executed this 8 day
of Aug. 1956 by arresting
within Person and placing
him in the Jail
Ball. Co.*

*Taylor Wilkins
Sheriff*

*J. W. Horn
D.S.*

Mobile Co. Jail

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3732

*Helen Perry
Deputy*

The Sheriff claims 15 mi
miles at 10c per mile for
a total of \$ 1.50
Ray Bridges, Sheriff
Mobile County, Alabama

3732