

(3911)

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

HULDA STEWART

Complainant

vs.

CHARLIE STEWART

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confession~~ ANSWER & 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

HULDA STEWART is forever divorced from the said CHARLIE STEWART for and on account of

CRUELTY:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the Complainant HULDA STEWART be given the right to resume the use of her maiden name, HULDA BOYKIN.

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

This 6th day of November 1956

[Signature] 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

Complainant

vs.

Respondent

**DIVORCE DECREE**

**FILED**

NOV 6 1956

ALICE J. DUCK, Register

HULDA STEWART

Complainant,

Vs.

CHARLIE STEWART

Respondent.

IN THE CIRCUIT COURT OF  
~~XXXXXXXXXXXXXXXXXXXX~~  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

NO. \_\_\_\_\_

ANSWER AND WAIVER

Comes the Respondent in the above entitled cause and for answer to the Bill of Complaint herein admits the allegations as to the ages, residences and marriage and denies the other allegations of said Bill of Complaint and demands strict proof thereof.

Respondent agrees that the testimony in this cause may be taken by deposition on oral examination, and waives notice of the time and place of the taking of such testimony and agrees that this cause may be submitted for final decree at any time. Respondent waives all notices to which he or she may be entitled by law in this cause. Respondent agrees that Peggy Preston may take the testimony in this cause as commissioner, without the issuance of a commission.

ATTEST:

1. \_\_\_\_\_

2. \_\_\_\_\_

Charlie Stewart  
RESPONDENT

Complainant agrees that Peggy Preston may take the testimony in this cause as commissioner, without issuance of a commission.

William Grayson  
SOLICITOR FOR COMPLAINANT.

Note: The Space below is intended for "Agreements Between the Parties"

The Complainant releases the Respondent from all claims of alimony and support, both temporary and permanent.

Charlie Stewart  
Respondent

Hulda Stewart  
Complainant

STATE OF Alabama

COUNTY OF Mobile

Before me, the undersigned authority, in and for said State and County personally appeared the above named Respondent, whose name is signed to the foregoing instrument, and who was made known to me, acknowledged before me this day, that being informed of the contents of the instrument, said Respondent executed the same voluntarily on the day same bears date.

Witness my hand and seal this 3/5<sup>th</sup> day of October 1956.

Filed in Registers Office  
Nov. 5 1956  
~~XXXXXXXXXXXXXXXXXXXX~~, REGISTER  
Alcee J. Buck

William Grayson  
NOTARY PUBLIC  
(Please affix official seal)

C E R T I F I C A T E

I, Peggy Preston, the commissioner named in an agreement contained in that certain cause now pending in the Honorable Circuit Court of ~~Mobile~~ <sup>Baldwin</sup> County, Alabama, Sitting in Equity, wherein HULDA STEWART is Complainant, and CHARLIE STEWART is Respondent, under and by virtue of the power conferred upon me by said agreement as such commissioner, caused the said Hulda Stewart and the said Minnie Rackley, who were made known to me, to come before me at 1: o'clock, P.M., on November 2, 1956, at ~~First~~ <sup>65 St. Emanuel Street,</sup> ~~National Bank Building,~~ Mobile, Alabama; that said witnesses were first duly sworn by me as stated; that they were then examined by Mr. William Grayson, Solicitor for Complainant, and they testified in response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near as might be identical language of the said witnesses, and that, after said testimony had been so reduced to writing, it was by me read over to the said witnesses, who assented to and signed the same in my presence and in the presence of said Solicitor for Complainant. The depositions are true and correct as given by the witnesses.

I further certify that I am not of counsel or of kin to any of the parties to the said cause, and am not in anywise interested in the result thereof.

Witness my hand this 2nd day of November 1956.

Peggy Preston  
COMMISSIONER

TESTIMONY OF HULDA STEWART, WITNESS ON HER OWN BEHALF IN THIS CAUSE.

My name is Hulda Stewart, and I am the Complainant in the above styled cause, and I am the wife of the Respondent. We were lawfully married to each other, on July 13, 1956 at Lucedale, Mississippi. Both myself and the Respondent are over the age of twenty-one years and were such at the time of the filing of the Bill of Complaint herein. Both myself and the Respondent are bona-fide resident citizens of the State of Alabama and have been such for more than one year next preceding the filing of the Bill of Complaint herein. There are no minor children as issue of our marriage. My former name was Hulda Boykin and in the event a divorce is granted in this matter, I would appreciate the right to resume the use of this name.

The Respondent has committed actual violence upon my person attended with danger to my life and health, since our marriage to each other or from his conduct there is reasonable apprehension of such actual violence being inflicted upon me.

The Respondent has threatened my life on several different occasions, and was always abusing me with his tongue. When things didn't go just right he would curse me for it and threaten to beat me up. He has on several different occasions hit me with his hand in a fit of anger. The Respondent is a man of violent temper which he lets get the best of him quite often for no reason at all. His ex-wife was continually coming to my house and cursing me and telling me I was living with her husband, when we were lawfully married. When I asked him to stop her from coming around and making such accusations he refused and became very angry with me because I had said anything about it to him.

I do not think it is safe for me to ever live in the same house with the Respondent again as man and wife, and do not ever intend to live with him again.

  
HULDA STEWART

TESTIMONY OF MINNIE RACKLEY, WITNESS FOR COMPLAINANT IN THIS CAUSE:

My name is Minnie Rackley. I have known both the Complainant and the Respondent for approximately three years. The Complainant is the wife of the Respondent and they were married to each other on July 13, 1956 in Lucedale, Mississippi. Both the Complainant and the Respondent are over the age of twenty-one years and were such at the time of the filing of the Bill of Complaint herein. Both the Complainant and the Respondent are bona-fide resident citizens of the State of Alabama and have been such for more than one year next preceding the filing of the Bill of Complaint herein. There are no children born of their marriage. The Complainant's former name was Hulda Boykin.

The Respondent has committed actual violence upon the person of the Complainant attended with danger to her life and health, or from his conduct she has reasonable apprehension of such actual violence.

I know that the Respondent is a man of quick temper. I have been present and the Complainant has told me on many different occasions of his abusive language and that he has hit her for no good reason at all.

Whenever things don't go to suit him he just goes crazy and hits at the first thing he comes to. I also know that his ex-wife came to the Complainant's house all the time and cursed her and made accusations about her living with her husband. The Complainant told me that several different times she had approached the subject of asking the Respondent to keep his ex-wife away from the house and that on all of these occasions he became angry.

Minnie Rackley  
MINNIE RACKLEY

HULDA STEWART,	:	IN THE CIRCUIT COURT OF
Complainant,	:	BALDWIN COUNTY, ALABAMA
-vs-	:	IN EQUITY:
CHARLIE STEWART	:	
Respondent.	:	NO. _____

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,  
SITTING IN EQUITY:

Comes the Complainant and shows unto Your Honors and unto this Honorable Court as follows:

ONE

Complainant is the wife of the Respondent and they were married to each other on July 13, 1956 at Lucedale, Mississippi. Both the Complainant and the Respondent are each over the age of twenty-one years and were such at the time of the filing of the Bill of Complaint herein. Both the Complainant and the Respondent are bona-fide resident citizens of the State of Alabama and have been such for more than one year next preceding the filing of the Bill of Complaint herein. There are no minor children as issue of their marriage. Complainant's former name was Hulda Boykin.

TWO

Respondent has committed actual violence upon the person of the Complainant, attended with danger to her life and health, or from his conduct there is reasonable apprehension of such violence.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction of this cause, will make the said Charlie Stewart, party-respondent hereto, and will cause him to appear, plead, answer or demur hereto within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that Your Honors will see fit to grant her an absolute divorce from the bonds of matrimony with the Respondent; and further prays that in the event she be granted this divorce she be permitted to resume the use of her former name, Hulda Boykin, and Complainant furthur prays for such other, further and different relief as in Equity she may be due; and as in duty bound she will ever pray, etc.

William Grayson \*\*  
SOLICITOR FOR COMPLAINANT

*Handwritten notes on the left margin, including the date 11/11/1914.*

*Handwritten notes on the right margin, including the date 11/11/1914.*



HULDA STEWART  
No.....VS  
CHARLIE STEWART

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

- 1. Bill of Complaint
- 2. Answer & Waiver
- 3. Testimonies of Hulda Stewart and of Minnie Rackley, witness for the Complainant in this cause.

FILED,.....

*Alice J. Duck* Register

*William G. Gagnon*  
Solicitor—for Complainant

FOR RESPONDENT

.....  
Solicitor—For Respondent

No.....

HULDA STEWART

Complainant

Vs.

CHARLIE STEWART

Respondent.

ORDER OF SUBMISSION  
NOTE OF EVIDENCE

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**FILED**

NOV 5 1956

**ALICE J. DUCK, Register**

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