

(3993)

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EMMA LOU MCDOWELL, Complainant

vs.

JAMES L. MCDOWELL, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on answer and 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 Emma Lou McDowell is forever divorced from the said James L. McDowell for and on account of

Cruelty - It is further ordered, adjudged and decreed that the Complainant be and she is hereby awarded the permanent care, custody and control of the minor children born to the union of said parties, namely: James F. McDowell, a boy, aged five, and Barbara McDowell, a girl, aged four; with the Respondent being hereby awarded rights of visitation at reasonable times.

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 James L. McDowell the Respondent pay the cost herein to be taxed, for which executed may issue.

This 30th day of April 1957

Hubert M. Hall

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

APR 30 1957

W. B. WICKS, CLERK

STATE OF ALABAMA

OFFICE OF THE CLERK OF THE CIRCUIT COURT

BALDWIN COUNTY

THIS DECREE IS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, THIS 30TH DAY OF APRIL, 1957.

W. B. WICKS, CLERK

W. B. WICKS, CLERK

STATE OF ALABAMA)

BALDWIN COUNTY)

EMMA LOU MCDOWELL,
Complainant,

vs.

JAMES L. MCDOWELL,
Respondent.IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

To the Honorable Judge of the Circuit Court of Baldwin County,
Sitting in Equity:

Comes now the Complainant, EMMA LOU MCDOWELL, humbly complaining of the Respondent, JAMES L. MCDOWELL, in a matter of divorce, and represents and shows unto Your Honor as follows:

FIRST: That Complainant, Emma Lou McDowell, is over the age of twenty-one years and is a resident of Baldwin County, Alabama, and has been a bona fide resident of said State for more than one year next preceding the filing of this Bill of Complaint; that Respondent is over twenty-one years and is residing at 144 RR Ave., Andalusia, Alabama.

SECOND: That your Complainant and Respondent were married on or about, to-wit: May 13, 1950, at Lucedale, Mississippi.

THIRD: That Complainant further avers and shows unto your Honor that the said Respondent did on or about the 1st part of August, 1956, and many times prior thereto assault, beat, hit and strike complainant; that said respondent has committed actual violence on her person attended with danger to her health or 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 or health.

FOURTH: Your Complainant would further aver and show unto your Honor that there were two children born to the union of the Complainant and Respondent which are as follows: A boy, James F. McDowell, aged 5 years, and Barbara McDowell, a girl, aged 4 years; said children are now in the care, custody and control of the Complainant, their mother, who is a fit and proper person to be awarded the permanent care, custody and control of said minor children. Com-

plainant further avers that the Respondent is an able bodied man and is well able to aid in the maintenance and support of the said minor children as set out herein. That the Complainant is now in a destitute condition and has no money with which to pay her solicitor in this cause and that the Respondent is well able to pay the Complainant's Solicitor's fee herein.

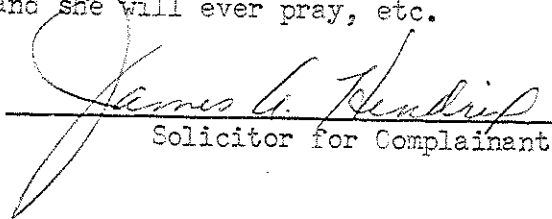
PRAYER FOR PROCESS

Wherefore the premises considered the Complainant prays that the said JAMES L. MCDOWELL be made party Respondent to this her Bill of Complaint and that a summons be issued and served upon him as required to plead, answer or demur to the within Bill of Complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR FINAL RELIEF

The premises considered the Complainant prays that on a final hearing of this cause Your Honor will make and enter a decree forever dissolving the bonds of matrimony heretofore existing between the Complainant and Respondent and will grant to the Complainant a full and absolute divorce from the Respondent, and that in and by virtue of the said decree the Complainant will be granted the right to again contract marriage. The Complainant prays that in and by virtue of the said decree she will be awarded the custody of the minor children born to the union of the said parties. Complainant prays that by virtue of said decree she will be awarded an amount to be paid each month by the Respondent to the Complainant for the support and maintenance of the minor children born to the union of said parties; and that your Honor will decree that the Respondent herein pay the Complainant's Solicitor's fee in this cause in an amount to be determined by the Court.

Complainant prays all other further or general relief to which she may be entitled, the premises considered and she will ever pray, etc.


Solicitor for Complainant.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No. 3993

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon James L. McDowell

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 L. McDowell

-----, Defendant-----

by Emma Lou McDowell

-----, Plaintiff-----

Witness my hand this 14th day of March 19 57

Richard A. ..., Clerk

BOOK 022 PAGE 485

No. ~~3938~~ 3993

Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

EMMA LOU MCDOWELL

Plaintiffs

vs.

JAMES L. MCDOWELL

Defendants

Summons and Complaint

Filed _____ 14th March 19-57

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19 _____

_____, Sheriff

I have executed this summons

this _____ 19 _____

by leaving a copy with

_____, Sheriff

_____, Deputy Sheriff

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

EMMA LOU MCDOWELL

COMPLAINANT

vs.

JAMES L. MCDOWELL

RESPONDENT

I, Delta H. Gwaltney

as ~~Register and~~ Commissioner

have called and caused to come before me Emma Lou McDowell and Helen Buckhault

witness _____ named in the requirement for Oral Examination, on the _____ day of April
1957, at the office of James A. Hendrix

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

truth, the whole truth, and nothing but the truth, the said Emma Lou McDowell and

Helen Buckhault doth depose and say as follows:

My name is Emma Lou McDowell. I am over the age of 21 years. I am a resident of Baldwin County, Alabama, and have been a bona fide resident for more than the past five years. James L. McDowell is over the age of 21 years, and at present is residing at Andalusia, Alabama. James L. McDowell and I were married May 13, 1950, at Lucedale, Mississippi. James has made many threats of doing me bodily harm and from his manner and conduct toward me, I am convinced that if we continue to live together he will commit an actual violence upon me, which would endanger my life and health. The last of these threats did occur on August 1, 1956, and due to said threats we have not lived together as husband and wife since that time. We had two children, namely, James F. McDowell, a boy, aged five years in February, and Barbara McDowell, a girl, aged four in April. Said children are now in my custody care and control, and I feel that I am a fit and proper person to be awarded the permanent care, custody and control of said minor children. James has committed actual violence on my person and I do not feel it safe to continue to live with him.

Emma Lou McDowell
Emma Lou McDowell

My name is Helen Buckhault. I have known Emma Lou McDowell and James L. McDowell for more than the past year. James and Emma Lou are both over the age of twenty-one years of age. Emma Lou is a resident of Baldwin County, and has been a bona fide resident for more than the past five years. James is now residing at Andalusia, Alabama. James and Emma Lou were married on May 13, 1950, at Lucedale, Mississippi. James has made many threats of doing her bodily harm and from his manner and conduct toward her, I am convinced that if they continue to live together, he will commit an actual violence upon her which would endanger her life and health. The last of these threats did occur on August 1, 1956, and as a result of these threats they have not lived together as husband and wife since that time. Emma Lou and James had two children, namely, James F. McDowell, a boy, aged five years in February, and Barbara McDowell, a girl, aged four in April. Said children are now in her custody, care and control, and I feel that she is a fit and proper person to be awarded the permanent care, custody and control of said minor children.

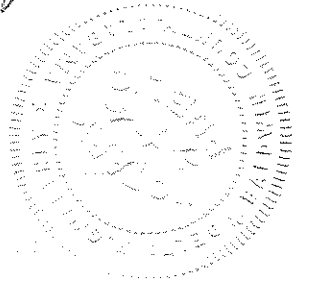
Helen Buckhault
Helen Buckhault.

I, Delta H. Gwaltney 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 James A. Hendrix at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness 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 15th day of April, 1957

Delta H. Gwaltney (L. S.)



No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

EMMA LOU McDOWELL

COMPLAINANT

JAMES I. McDOWELL

RESPONDENT

ORAL DEPOSITION

Filed FILED 19____

APR 30 1957 Register.
RECORDED IN
ALICE J. WALKER, Register Record

Vol. _____ Page _____ Register.

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: DELTA H. GWALTNEY

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 Emma Lou McDowell and Helen Buckhault

x witnesses in behalf of Emma Lou McDowell in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Emma Lou McDowell is

Complainant and James L. McDowell is

Respondent

on oath, to be by you administered, upon them to take and certify the deposition of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 15th day of April, 1957 Register. (Signature)

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

**THE STATE OF ALABAMA
Baldwin County**

CIRCUIT COURT

EMMA LOU MCDOWELL

Complainant

VS.

JAMES L. MCDOWELL

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Delta H. Gwaltney

WITNESSES:

Emma Lou McDowell

Helen Fuchhault

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EMMA LOU MCDOWELL

vs.

JAMES L. MCDOWELL

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Plaintiff upon the original Bill of Complaint, answer and waiver and the testimonies of Emma Lou McDowell and Helen Buckhault, as set out in the oral deposition.

and in behalf of Defendant upon

James A. Hendrix

Wm. J. ...
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

EMMA LOU MCDOWELL

vs.

JAMES L. MCDOWELL

NOTE OF TESTIMONY

Filed in Open Court this
day of , 194

FILED
APR 30 1957

ALEX L. DICK, Register.

Printed by the Baldwin Times

THE STATE OF ALABAMA

REGISTER

EMMA LOU MCDOWELL,

Complainant,

vs.

JAMES L. MCDOWELL,

Respondent.

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¶

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

ANSWER AND WAIVER

Comes now the Respondent, James L. McDowell, and for answer to the Bill of Complaint heretofore filed against him in said cause says as follows:

(1) That he denies each and every allegation of the said Bill of Complaint and demands strict proof thereof.

And for further answer to said Bill of Complaint the Respondent hereby accepts service of a copy and notice of the filing of the said Complaint and hereby waives any further notice to her of the day set for hearing, the taking of testimony or the submission for final decree of the above styled cause and does here consent that the same may be submitted and testimony taken without further notice to him.

James L. McDowell
James L. McDowell

Sworn to and subscribed before me
this 10 day of April, 1957.

Julia Hardin
Notary Public, Colington County,
Alabama.

