

4044

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JEWEL K. McMAHON

Complainant

vs.

CHARLES E. McMAHON

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 JEWEL K. McMAHON is forever divorced from the said CHARLES E. McMAHON for and on account of Cruelty

It is further ORDERED, ADJUDGED AND DECREED by the Court that the agreement made and entered into by and between the Complainant and Respondent on May 18, 1957 be, and the same is hereby confirmed.

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

This 5th day of June 19 57

J. Hubert M. Howell
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

JEWEL K. McMAHON

Complainant

vs.

CHARLES E. McMAHON

Respondent

DIVORCE DECREE

FILED

JUN 5 1957

ALICE J. DUCK, Register

LAW OFFICES
E. G. RICKARBY
BANK BUILDING
FAIRHOPE, ALABAMA

June 3, 1957

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

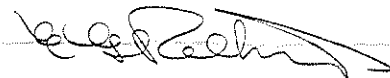
Dear Mrs. Duck:

Inre: McMahon vs. McMahon
Our File: 4125

With this we are handing you original bill, answer and waiver, testimony and note of testimony in the above styled cause, and our check for \$15.00 to cover costs.

Please let me have decree on this as soon as possible, and oblige.

Yours very truly,



ts
encl.
cc: Mrs. McMahon

JEWEL K. McMAHON,

COMPLAINANT

-VS-

CHARLES E. McMAHON,

RESPONDENT

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

NOTE OF EVIDENCE

This cause is submitted for final decree on Complainant's bill, answer and waiver filed by Respondent, and depositions of Complainant and CHARLES LENMORE McMAHON.

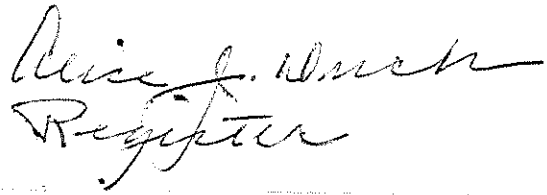


E. G. RICKARBY,
Solicitor for Complainant

FILED

JUN 5 1957

ALICE I. DUCK, Register


Register

JEWEL K. McMAHON,

COMPLAINANT

-VS-

CHARLES E. McMAHON

RESPONDENT

NOTE OF EVIDENCE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

I, TILLIE K. STEPHENS, Commissioner, acting under stipulation of the parties in the divorce suit of JEWEL K. McMAHON vs. CHARLES E. McMAHON, pending in the Equity side of the Circuit Court of Baldwin County, Alabama, hereby certify that I have caused the witnesses in this cause, namely, JEWEL K. McMAHON and CHARLES LENMORE McMAHON, who were made known to me and known to be the identical witnesses called by the parties, to come to my office in the Bank Building in the City of Fairhope, Baldwin County, Alabama, where said witnesses, after being first duly sworn by me, upon examination of E. G. RICKARBY, Esquire, Solicitor for the Complainant, did testify as shown by the attached testimony, and that their testimony was, by me, reduced to writing as given by them as near as might be in their identical language and, after being so reduced to writing, was read over by the said witnesses who assented to and signed the same in my presence.

I further certify that I am not of counsel or kin to either of the parties to the cause, nor anyway interested in the results thereof.

IN WITNESS, I hereunto set my hand as Commissioner on this the 22nd day of May, 1957.



Commissioner

JEWEL K. McMAHON,

COMPLAINANT

-VS-

CHARLES E. McMAHON,

RESPONDENT

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

TESTIMONY OF CHARLES LENMORE McMAHON, A WITNESS ON BEHALF OF
COMPLAINANT.

CHARLES LENMORE McMAHON, being duly sworn, testified as
follows:

My name is CHARLES LENMORE McMAHON and I am the son of
CHARLES E. McMAHON and JEWEL K. McMAHON, who are my father and
mother, and both of them have lived in Baldwin County for the
last three years.

On several occasions, my father has been cruel towards
my mother, and from his conduct she has grounds to believe, and
does believe, that if he continued to live with her, he might
hurt her seriously. I saw him strike her at our home on the 28th
of April, 1957.

My mother is working and taking care of my brothers and
sisters and I am helping support the family.

Charles Lenmore McMahon
CHARLES LENMORE McMAHON

Subscribed and sworn to before me this the 22nd day of
May, 1957.

Lilli H. Stephens
COMMISSIONER

JEWEL K. McMAHON,
COMPLAINANT
-VS-
CHARLES E. McMAHON,
RESPONDENT

TESTIMONY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

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JEWEL K. McMAHON,	I	
		IN THE CIRCUIT COURT OF
COMPLAINANT	I	
		BALDWIN COUNTY, ALABAMA
-VS-	I	
		IN EQUITY
CHARLES E. McMAHON,	I	
RESPONDENT	I	

TESTIMONY OF JEWEL K. McMAHON, COMPLAINANT:

JEWEL K. McMAHON, being first duly sworn, deposes and says, as follows, to-wit:

My name is JEWEL K. McMAHON, and I am bringing this suit for divorce against my husband, CHARLES E. McMAHON. We are both over twenty-one years of age and have been living in Baldwin County, Alabama, on the road leading to the Clay City Products Company, and have been living there for the last three years and I am still living there.

My husband and I were married on the 9th day of October, 1937, over in Pascagoula, Mississippi, and we lived together as husband and wife until the 28th of April, 1957, when we had our last trouble.

I have tried to be a good wife towards him, but from time to time he has been cruel to me and drinks and strikes me. And, I believe, because of his previous conduct, that if I continue to live with him, he will continue to be cruel to me may probably either seriously cripple me or cause me to lose my life.

On the 28th of April he struck me, knocked me down and I fell down on the cement floor at my home and that violence to my person was dangerous to my life and health.

We have seven children in this marriage, namely: Charles Lenmore McMahan; Sharon L. McMahan; Linda McMahan; Thomas McMahan; Michael McMahan; James McMahan; and Mary McMahan; and, those children are living with me and I am working and making a home for them, and it would be to the interest of the children to continue to live with me and for me to have the custody and care of them. And, my husband and I have worked out an agreement, signed it, and I filed a copy of this agreement with this divorce case, and I think it is fair and ask that the Court confirm this agreement. I think this agreement

Testimony of Jewel McMahon

is fair because, first, it's impossible for us to live together when he's treated me the way he has; second, his health is not good, and I feel that if I had the Court require him to a reasonable sum for the support of his children, at times he would not be able to meet those payments, and it would just mean that he would leave the State and I would not get anything.

I am asking for a divorce and for the custody of my children.

Jewel K. McMahon
JEWEL K. McMAHON

Subscribed and sworn to before me this the 22nd day of May, 1957.

Lillian H. Stephens
COMMISSIONER

FILED
JUN 5 1957
ALICE A. DICK, Register

JEWEL K. McMAHON,

COMPLAINANT

-VS-

CHARLES E. McMAHON,

RESPONDENT

TESTIMONY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

JEWEL K. McMAHON,
Complainant

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

-vs-

CHARLES E. McMAHON,
Respondent

¶
¶

IN EQUITY
710. 4044

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

Comes JEWEL K. McMAHON and by this Bill of Complaint presented against CHARLES E. McMAHON, respectfully shows:

FIRST: That the Complainant and Respondent are both over the age of twenty-one years and both are now and have been for over three years next preceding the filing of this Bill of Complaint bona fide residents of Baldwin County, Alabama, both residing just outside Fairhope, Alabama.

SECOND: Complainant and Defendant were married on or about the 9th day of October, 1937 in Pascagoula, Mississippi, and have lived together as husband and wife until about the 28th day of April, 1957.

THIRD: That on or about the 28th of April, 1957, the respondent committed actual violence upon the person of his wife by striking her and knocking her down on a cement floor at their home outside Fairhope, which was dangerous to her life or health, and from his conduct she has reasonable grounds to believe, and does believe, that he will commit further violence upon her person attended with danger to her life or health.

FOURTH: That to this marriage there have been born the following seven children, namely:

Charles Lenmore McMahon	17	years	of	age
Sharon L. McMahon	12	"	"	"
Linda McMahon	9	"	"	"
Thomas McMahon	6	"	"	"
Michael McMahon	8	"	"	"
James McMahon	2	"	"	"
Mary McMahon	1	"	"	"

FIFTH: Complainant and Respondent have agreed to settle their financial problems of this marriage in accordance with agreement filed herewith.

THE PREMISES CONSIDERED, Complainant prays that CHARLES E. McMAHON be made party defendant to this cause, and by proper process

required to plead, answer or demur within the time prescribed by law. and that

Complainant further prays that on a final hearing of this cause, a decree of divorce from the bonds of matrimony be rendered forever divorcing her from the said CHARLES E. McMAHON and award her the custody and control of the said minor children born to said marriage, and confirm the property settlement made in this cause, and grant unto her such other different or further relief as to equity may seem meet.

E. G. RICKARBY



E. G. Rickarby
Attorney for Complainant

FILED
JUN 5 1937
ALICE L. ROBEK, Register

JEWEL K. McMAHON,

COMPLAINANT

-VS-

CHARLES E. McMAHON,

RESPONDENT

BILL OF COMPLAINT

1. Jewel K. McMahon, Plaintiff, do hereby complain against Charles E. McMahon, Defendant, for the same reasons as set forth in the Bill of Complaint filed in this Court on the 1st day of January, 1961.

2. The Defendant is a resident of Baldwin County, Alabama, and is a citizen of the State of Alabama.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

JEWEL K. McMAHON,	I	IN THE CIRCUIT COURT OF
Complainant	I	BALDWIN COUNTY, ALABAMA
-VS-	I	IN EQUITY
CHARLES E. McMAHON,	I	
Respondent	I	

A G R E E M E N T

KNOW ALL MEN BY THESE PRESENTS, that we, JEWEL K. McMAHON and CHARLES E. McMAHON agree to the following facts regarding the settlement of our separation.

FIRST: It is agreeable that JEWEL K. McMAHON is the proper party to have custody of said minor children to this marriage and that CHARLES E. McMAHON has the right to visit said children at suitable times and places.

SECOND: That all the household furnishing and equipment are hereby vested in JEWEL K. McMAHON.

THIRD: That at present JEWEL K. McMAHON assumes the sole responsibility for the support of herself and said children to this marriage.

FOURTH: It is further agreed that JEWEL K. McMAHON will make no claim upon her husband for support of her or said children, but it is understood that the said CHARLES E. McMAHON will contribute to the support of the said children in accordance with his ability to do so, and that JEWEL K. McMAHON will pay the cost of these proceedings.

Jewel K. Mc Mahon
JEWEL K. McMAHON

Charles E. Mc Mahon
CHARLES E. McMAHON

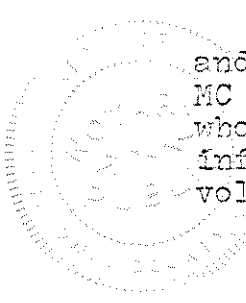
STATE OF ALABAMA
BALDWIN COUNTY

I, [Signature], a Notary Public in and for said county in said state hereby certify that JEWEL K. MC MAHON, whose names is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, she executed the same voluntarily on the day same bears date.

Witness my hand and official seal this the 18 day of May, 1957.

[Signature]
Notary Public, Baldwin County, Alabama

FILED
JUN 5 1957
ALICE J. DICK, Register



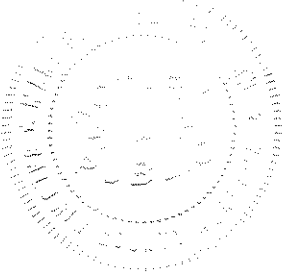
BALDWIN COUNTY

I, Mary Frances Thomson, a Notary Public in and for said state and county hereby certify that CHARLES E. McMAHON, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, he executed the same voluntarily on the day same bears date.

Witness my hand and official seal this 18th day of May, 1957.

Mary Frances Thomson

Notary Public, Baldwin County, Alabama



FILED
JUN 5 1957
ALICE I. WICK, Register

JEWEL K. McMAHON,		IN THE CIRCUIT COURT OF
Complainant		BALDWIN COUNTY, ALABAMA
-VS-		
		IN EQUITY
CHARLES E. McMAHON,		
Respondent		

ANSWER AND WAIVER

Comes the respondent, CHARLES E. McMAHON, in the above styled cause and for answer to the Bill of Complaint heretofore filed in said cause, and to each and every paragraph thereof, says:

He denies each and every allegation contained therein and demands strict proof thereof.

Respondent hereby submits himself to the jurisdiction of this Honorable Court and waives notice of the time and place for taking testimony in said cause, waives the issuance of a formal commissioner to take testimony in said cause and consents that testimony may be taken without further notice to him and further waives notice of the time and place of submission of said cause and consents that said cause may be submitted for final decree at any time or place without further notice to him of such submission.

Charles E. McMahon
 CHARLES E. McMAHON, Respondent

STATE OF ALABAMA

BALDWIN COUNTY

I, Mary Frances Johnson, a Notary Public in and for said county in said State, hereby certify that CHARLES E. McMAHON, whose name is signed to the foregoing instrument and who is known to me to be the respondent above named, acknowledged before me on this day, that being informed of the contents of said instrument, he executed the same voluntarily on the day same bears date.

Witness my hand and seal on this the 18th day of May, 1957.

Mary Frances Johnson
 Notary Public, Baldwin County, Alabama

