

1346

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

Roma H. Maxwell Complainant

VS.

Ealy C. Maxwell Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~
on answer of respondent 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 here-
tofore existing between the Complainant and Defendant be, and the same are hereby, dissolved,

and that the said Roma H. Maxwell

is forever divorced from the said Ealy C. Maxwell

for and on account of cruelty

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 the payment of the cost of this suit.

It is further ordered that _____
the complainant pay the cost herein to be taxed, for which execution may issue.

This 9th day of June, 1945

J. W. Hare

Judge Circuit Court, in Equity.

I, R. S. Duck, 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 June, 1945

Register of Circuit Court, in Equity

No. 1346 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent

DIVORCE DECREE

Filed this _____ day of

_____, 194____

Register

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

ROMA H. MAXWELL Complainant

vs.

EALY C. MAXWELL Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on ANSWER OF RESPONDENT and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complaint 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 ROMA H. MAXWELL is forever divorced from the said EALY C. MAXWELL

for and on account of CRUELTY

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 the payment of the cost of this suit.

It is further ordered that ROMA H. MAXWELL the COMPLAINANT pay the cost herein to be taxed, for which execution may issue.

This 9th day of June, 1945

F.W. HARE Judge Circuit Court, in Equity.

I, ALICE J. DUCK, 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 26th day of November, 1946

Alice J. Duck Register of Circuit Court, in Equity

COPY

No. 1346 Page

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ROMA H. MAXWELL

Complainant

VS.

EALY C. MAXWELL

Respondent

DIVORCE DECREE

Filed this 6-4-45 day of

194

Register

THE STATE OF ALABAMA }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

Roma H. Maxwell,

COMPLAINANT

vs.

Ealy ^C Maxwell.

RESPONDENT

R. S. Duck

I,

as Register and Commissioner

have called and caused to come before me Roma H. Maxwell and Earline Cain

witness^{es} named in the requirement for Oral Examination, on the 4th day of June,

1945, at the office of ~~myself~~ myself

in Bay Minette, Alabama, and having first sworn said witness^{es} to speak the

truth, the whole truth, and nothing but the truth, the said Roma H. Maxwell

doth depose and say as follows:

My name is Roma H. Maxwell and I am the Complainant in this cause for divorce against the Respondent, Ealy ^C Maxwell. I and the said Ealy ^C Maxwell are each over the age of twenty-one years and I am now and have been for more than one year next preceding of my Bill of Complaint in this cause a bona fide resident of Baldwin County, Alabama and the Respondent is a resident of Mobile, Mobile County, Alabama.

I and the said Ealy ^C Maxwell were lawfully married to each other on February 5th, 1945 and lived together as man and wife until March 15th, 1945. We were married at Pensacola, Florida.

On March 15th, 1945 the said Ealy ^C Maxwell committed actual violence on my person attended with danger to my life or health and from his conduct there was reasonable apprehension or further acts of actual violence by him on my person attended with danger to my life or health, on March 15th, 1945 he also threatened to do me serious - ly bodily harm other than he did or had done and threatening, cursed and abused me and I, feared for the safety of my life or health, refused to live with him further as his wife and we have not lived together as man and wife or otherwise since March 15th, 1945. He became addicted after married to habitual drunkenness and drank intoxicating liquors to such extent that he was violent, abusive and threatening to me and because of such conduct I fear^d for the safety of my life or health and was in a serious rundown condition caused of his conduct. During the last week of our married life he got so he would get drunk and go off and stay two or three days without coming home and if I would ask him about it he would fly into a rage and threaten to beat me. On the day we separated he had been gone for a day or two and when I ask him about it he pushed or knocked me down and told me that it was none of my business and that he would beat hell out of me if I did not shut up. I could not stand this any longer as my health was breaking down and for that reason, and because I was afraid he would seriously hurt or

I, Roduck 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 b and read over to him and thy signed the same in the presence of myself and E. Smith at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness he or had proof made before me of the identity of said witness a; 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 4th day of June 1945

Roduck
Register (L. S.)

No. 1346 Page _____

THE STATE OF ALABAMA,
 BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Roma H. Maxwell,

COMPLAINANT

vs.
 Ealy W. Maxwell,

RESPONDENT

ORAL DEPOSITION

Filed June 4, 1945

Roduck, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

kill me, I left his house.

Roma H Maxwell.

Roma H. Maxwell.

Mrs. Earline Cain, a witness for the complainant, having been first duly sworn, testified in substance as follows:

My name is Earline Cain. I am over twenty-one years of age and reside at Bay Minette, Alabama.

I am and was a witness to the signature of the respondent, Ealy C. Maxwell, to the answer filed in this cause. He signed the answer freely and voluntarily knowing its contents in the presence of myself and Mrs. Pauline Moore. He requested that we witness his signature to it.

I have known the complainant, Mrs. Roma H. Maxwell, for the past four or five years but have known the respondent, Ealy C. Maxwell, only since he married her. I remember when they separated about the 15th day of April, 1945. I have read over her testimony and know that it is substantially true. At the time of their separation she was in a seriously rundown nervous and physical condition and has not entirely gained back her health yet. This I know was ~~xxxx~~ caused by his treatment of her.

Earline Cain

Earline Cain.

Roma H. Maxwell

vs.

Ealy C. Maxwell

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Answer of respondent and oral depositions of witnesses for
complainant, Roma H. Maxwell and Earline Caine.

and in behalf of Defendant upon none

H. E. Smith
Solicitor for Complainant.

[Signature]
Register.

No. 1346

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Roma H. Maxwell

vs.

Ealy C. Maxwell

NOTE OF TESTIMONY

Filed in Open Court this 4

day of June, 1945

[Signature]
Register

ROMA H. MAXWELL,
Complainant,

VS:

EALY ^e MAXWELL,
Respondent.

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA

) IN EQUITY.
)
)

ANSWER OF RESPONDENT

Now comes the Respondent, Ealy ^e Maxwell, and for answer to the bill of complaint filed in this cause against him by the complainant, Roma H. Maxwell, he denies each and every allegation of the said bill of complaint and demands strict proof thereof.

And he, the said Respondent, waives all service of notice or process of the filing of said bill of complaint, and further waives all notice of taking of testimony on said cause and further waives all notices of the submission of said cause for final decree.

Ealy C. Maxwell
Respondent.

WITNESSES:

Pauline Moore

Earline Cain

1346

RECORDED

Answer address

Received ~~by~~ June 7 1945
P. H. L. C.
R. H. C.

Roma H. Maxwell
Complainant,

Vs:

Ealy ~~W.~~ C. Maxwell
Respondent.

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

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Comes now your complainant, Roma H. Maxwell, and brings this her bill of complaint against the respondent, Ealy ~~W.~~ C. Maxwell, and respectfully alleges unto your Honor and the Court as follows:

1. She and respondent are each over the age of twenty-one years. Complainant is, and has been for more than one year next preceding the filing of this her bill of complaint, a bona fide resident of Baldwin County, Alabama and the respondent is a resident of Mobile County, Alabama.
2. Complainant and respondent were lawfully married to each other on the 5th day of February, 1945 and lived together as man and wife until, to-wit: the 15th day of March, 1945.
3. On said last date of to-wit; March 15th, 1945, respondent committed actual violence on the person of complainant attended with danger to her life or health and from his conduct there was reasonable apprehension of further acts of actual violence by respondent on the person of complainant attended with danger to her life or health. On said last date respondent also threatened to do complainant serious bodily harm other than he did or had done, and threatened and abused complainant and complainant fearing for the safety of her life or health refused to live with him further as his wife and they have not lived together as man and wife since last said date. The Respondent became addicted after marriage to habitual drunkenness and drank intoxicating liquors to such extent that he was violent, abusive and threatening to complainant and because of such conduct complainant feared for the safety of her life or health and was in a seriously rundown physical condition because of respondent's said conduct.

WHEREFORE, the premises considered, complainant prays that the said Ealy W. Maxwell be made party respondent to this her bill of complaint and that due process of law issue forthwith for service upon him.

And Complainant further prays that upon the final hearing of this cause your Honor and the Court will be pleased to give and grant to her a decree of absolute divorce from the said Ealy ~~W.~~ C. Maxwell, the respondent, and will give and grant to complainant permission to again marry, should she see fit to do so, and Complainant further prays for all such other further and other orders, decrees and relief as she may be entitled to receive.

Roma H. Maxwell
Complainant

J. E. Smith
Solicitor for Complainant.

13.446

RECORDED

Complaint

Juan June 4 1945
Project
Office