

CIRCUIT COURT, BALDWIN COUNTY, ALA.,
IN EQUITY.

No. 705

Amie M. Powell

VS.

Ezra A. Powell

PLAINTIFF

DEFENDANT

Bill of Costs

Fees of Register		Dollars	Cts.	Brought Forward	
Filing each bill and other papers	10	\$ 10	100	For receiving, keeping and paying out or distributing money, etc.; 1st \$1,000 1 per ct.; all over \$1,000, and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000, and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	14 70
Issuing each subpoena		50		Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received,	
Issuing each copy thereof		40		Each Notice sent by mail to creditors	15
Entering each return thereof		15		Filing, Receipting for and docketing each claim, etc.	25
For each order of publication		1 00		For all entries on subpoena docket, etc.	50
Issuing writ of injunction		1 50		For all entries on commission docket, etc.	50
For each copy thereof		50		Making final record, per 100 words	15
Entering each return thereof		15		Certified copy of decree	1 00
Issuing writ of attachment		1 00		Report of divorce to State Health office, Acts 1915	50
Entering each return thereof		15			
Docketing each case		1 00	100	Total Fees of Register	1070
Entering each appearance		25	30	Fees of Sheriff	
Issuing each decree pro confesso on persl ser		1 00	30	Serving and returning subpoena on deft.	\$ 1 50
Issuing each decree pro confesso on publication		1 00		Serving and returning subpoena for witness	65
Each order appointing guardian		1 00		Levying attachment	1 50
Any other order by Register		50	50	Entering and returning same	25
Issuing commission to take testimony		50	50	Selling property attached	
Receiving and filing		10	50	Impaneling Jury	75
Endorsing each package		10		Executing writ of possession	2 50
Entering order submitting cause		50		Collecting execution for costs	1 50
Entering any other order of Court		25	50	Serving and returning sci. fa., each	65
Noting all testimony		50		Serving and returning notice	65
Abstract of cause, etc.		1 00		Serving and returning writ of injunction	1 50
Entering each decree		75		Serving and returning writ of exeat	1 50
For every 100 words over 500		15		Taking and approving bonds, each	75
Taking account, etc.		3 00		Collecting money on execution	
Taking testimony, etc.		15	470	Making deed	2 50
Each report, 500 words or less		2 50		Serving and returning application, etc.	1 00
For every 100 words over 500		15		Serving attachment, contempt of court	1 50
Amount claimed less than \$500, etc		2 00		Total Fees of Sheriff	
Issuing each subpoena		25		Recapitulation	
Witness certificate, each		25		Register's Fees	
Issuing execution, each		75		Sheriff's Fees	1070
Entering each return		15		Commissioner's Fees	5 00
Taking and approving bond, each		1 00		Solicitor's Fees	
Making copy of bill, etc.		15		Witness Fees	
Each notice not otherwise provided for		50		Guardian Ad Litem	
Each certificate or affidavit, with seal		50		Printer's Fees	
Each certificate or affidavit, no seal		25		Trial Tax	3 00
Hearing and passing on application, etc.		3 00		Recording Decree in Probate Court	
Each settlement with receiver, etc.		3 00		TOTAL	1180
Examining each voucher of receiver, etc		10		Sub Total Carried Forward	
Examining each answer, etc.		3 00			
Recording resignation, etc.		75			
Entering each certificate to Supreme Court		50			
Taking questions and answers, etc.		25			
For all other service relating to such proceedings		1 00			
For services in proceeding to relieve minors, etc., same fees as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 per cent.; all over \$100, and not exceeding 1,000, 1 1-2 per ct.: all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.					

Fee B 3 - Page 351

704 not enough

TO THE HONORABLE FRANCIS W. HARE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

SITTING IN EQUITY:

ANNIE MAE POWELL by this her bill of complaint presented against EZRA C. POWELL respectfully shows:

FIRST: That she is over the age of eighteen years and is now and has been for her entire lifetime a bona fide resident of Baldwin County, Alabama. That Ezra C. Powell is over the age of twenty-one years and now residing in the City of Pensacola, Florida.

SECOND: That Complainant and Ezra C. Powell were lawfully married in Pensacola, Florida on May 9th, 1934 and lived together as husband and wife until February 23rd, 1935 when the said Ezra C. Powell without just cause handed her Ten dollars and forced her to leave his home and to return to the residence of her parents with whom she has since resided and since which time he has contributed nothing to her support nor has she seen him. He since said time residing in the City of Pensacola.

THIRD: That within a short while after their marriage her said husband commenced to neglect her and to pay marked attention to another woman. That Complainant's protests as to this were not only without avail but the said Powell's attitude toward said woman, a near neighbor, made little concealment of the improper relations existing between them; that Defendant's treatment of her soon became not only cold but he threatened her with violence and in November 1934 struck her brutally in the side and has recently threatened her with other violence which threat she has reason to anticipate would have been carried into effect had she continued to live with him as he was addicted to the use of liquor and when intoxicated seemed to have no control over his temper or actions, wherefore Complainant has reasonable grounds for apprehension of violence on the part of her said husband dangerous to her health or life.

FOURTH: Complainant further charges that from October 1934 and up to the time she parted from him the following February the Defendant was repeatedly unfaithful to his marriage vows but she is

not now able to give details as to time and place. That since their separation Complainant has been informed of matters which lead her to believe and she so charges that such improper relations are continuing.

THE PREMISES CONSIDERED, Complainant prays that Ezra C. Powell be made party Defendant to this bill and by proper process required to answer same within the time prescribed by law.

Complainant further prays that upon the hearing of this cause a decree be made forever divorcing her from the said Ezra C. Powell granting her the right to remarry should she so desire, to resume her maiden name and to be allowed such sum for counsel fees for the prosecution of this cause as to the Court may seem proper, together with other, further or different relief as to equity may seem meet.

Scott S. Rinkley
Solicitor for Complainant.

ANNIE MAE POWELL,

Complainant.

vs

EZRA C. POWELL,

Respondent,


EQUITY

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

Comes the Respondent and for answer to the bill of complaint says that he denies each allegation thereof.

Respondent hereby waives the issue of commission to take Complainant's testimony, the right to notice of or to be present at the taking of same, and to introduce evidence in his own behalf and consents that this cause be submitted for final decree upon the pleadings and Complainant's evidence.


Respondent.

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Before me the undersigned authority personally appeared this day Ezra C. Powell who is known to me and who stated that he executed the foregoing answer voluntarily and with full knowledge of its contents.

Given under my hand and official seal this the day of February, 1936.


Notary Public, Escambia County, Florida

ANNIE MAE POWELL,
Complainant.

vs

EZRA C. POWELL,
Respondent

E Q U I T Y
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

This cause coming on to be heard in vacation was submitted upon the bill of complaint, answer 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 her said bill.

It is therefore ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore existing between the Complainant and Respondent be and the same hereby are dissolved and the said Annie Mae Powell is forever divorced from the said Ezra C. Powell on account of the grounds alleged in the said bill of complaint.

IT IS FURTHER ORDERED that the parties may again contract marriage upon the payment of the costs in this cause. It is further ordered that the said Ezra C. Powell pay to Complainant the sum of Fifty Dollars in full settlement of all alimony and counsel fees and that when said sum and the costs of this cause have been paid in full the said Ezra C. Powell shall be forever discharged from all further claims on the part of Complainant both in law and equity. IT IS FURTHER ORDERED that the Respondent pay the costs taxed in this cause for which execution may issue and if such execution be returned marked "no property found" then execution for such costs may issue against the Complainant.

IT IS FURTHER ORDERED AND DECREED that neither party marry again except to the other until sixty days after this date and that if an appeal be taken within sixty days neither shall marry again except to the other during the pendency of said appeal.

Done at Monroeville, Alabama this the 21st day of March, 1936.

J. M. Hare
Judge Circuit Court of Baldwin County

Alabama.

ANNIE MAE POWELL,

Complainant.

VS

EZRA C. POWELL,

Defendant.

DEPOSITIONS OF ANNIE MAE POWELL AND HENRY GIDEONS
WITNESSES FOR COMPLAINANT

Said witnesses being first duly sworn to tell the truth upon examination by Complainant's Solicitor testified as follows:

ANNIE MAE POWELL

I am Complainant in this cause. I am now and have been all of my life, except a few months spent in Pensacola, a bona fide resident of Baldwin County, Alabama residing at Robertsdale where I now live with my parents. I am twenty years of age and on May 1934 married Ezra C. Powell who is over the age of twenty-one years and who now lives in Pensacola.

After our marriage we lived together as husband and wife and at first he treated me very well but after a short while he started drinking and commenced to neglect me. He also seemed to become infatuated with a girl who lived near by and in a short while practically forsook me for her. He would go out and stay all night sometimes coming in in the early hours of the morning intoxicated, at other times not until the following morning. He insisted on having this girl and other rowdy couples come to our home where they would drink and play cards and after a short while he neglected me and became so indifferent to my feelings that he would show marked attention to this girl even when I was present and on more than one occasion I have seen him hugging and kissing her. While I do not know of my own knowledge what more took place between them I have been told enough to confirm my belief that his relations with her were improper and I have no hesitation in swearing that such was the case. Her behavior even in my house was such as was not consistent with the actions of a decent girl and in addition my husband has practically admitted that things were not right between them. Naturally I could not continue to endure such conduct and protested

and when my husband sent me home I was glad to go as I feared that nothing but trouble could happen between us after I became certain of what he was doing and after his threats and mistreatment of me. He not only humiliated and hurt me by his neglect and obvious attachment for another woman but in November 1934 without any just cause he struck me a hard blow in the side. He has not struck me since but that is because I have not done anything to enrage him but from the way he treated me on this occasion and his brutal indifference to my feelings I feel sure that had I continued to live with him he would have repeated his physical cruelty and very likely have done me some serious injury. A man who drinks as he does and who loses control of himself when drinking is dangerous and I can now see that it was well for me that I left him when I did.

Annie Mae Powell

H E N R Y G I D E O N S .

I am the father of the Complainant. When my daughter wanted to marry Ezra Powell we did not know him well as he came from Pensacola but he seemed steady and the people we inquired about spoke well of him so we did not oppose the marriage and it was only after they had been married several months that we learned from her that he had started drinking and carrying on with another woman. We hoped for a while that he would get tired of this and go straight but he kept getting worse and we soon saw that she was very unhappy. She did not tell us that he had mistreated her till after she came home where he sent her in February 1935 and since that time he has done nothing for her nor has she had anything to do with him. After they parted and it was plain that he was going from bad to worse I took steps to find about his behavior with other women for myself and soon found out that what she had told me was true. He was taking this other girl out in his car at nights and they would stay out together till very late. After he got rid of her-- his wife-- he did not seem to care what he did and it was not hard to get the goods on him. On two separate nights, I do not know remember the dates but it was some time after she came home, we learned that they had gone out supposedly to a dance and a little later their car was seen parked along side the road near a little patch of woods outside of town. They did not know that they had been seen and got out of the car and went off into the woods where they stayed some fifteen or twenty minutes, maybe longer and then got back in the car. That was the first of the two times. The second time they were only seen together in the car along side the road. I cannot say about whether they got out of the car that night or not. This was the girl that my daughter had seen her husband hug and kiss and I know that they did not go off together the way they did for any good purpose.

J. G. Gideon

I, Virginia E. Crenshaw, Commissioner named in the foregoing commission, hereby certify that on the 18th day of March I caused the witnesses hereinabove named to appear before me at the office of Elliott G. Rickarby, Esq. in Robertsdale, where after being duly sworn and upon examination by Elliott G. Rickarby, Esq. they testified as is herein set forth; that their testimony was taken down by me as near as might be in the language of each witness and that after having been written down was read over and signed by the witnesses in my presence.

I further certify that I am neither of counsel or of kin of either party in said cause or in any way interested in the result thereof.

Witness my hand and seal this the 18th day of March, 1936.

Virginia E. Crenshaw (SEAL)
Commissioner.

TO THE HONORABLE FRANCIS W. HARE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

SITTING IN EQUITY:

ANNIE MAE POWELL by this her bill of complaint presented against EZRA C. POWELL respectfully shows:

FIRST: That she is over the age of eighteen years and is now and has been for her entire lifetime a bona fide resident of Baldwin County, Alabama. That Ezra C. Powell is over the age of twenty-one years and now residing in the City of Pensacola, Florida.

SECOND: That Complainant and Ezra C. Powell were lawfully married in Pensacola, Florida on May 9th, 1934 and lived together as husband and wife until February 22nd, 1935 when the said Ezra C. Powell without just cause handed her Ten dollars and forced her to leave his home and to return to the residence of her parents with whom she has since resided and since which time he has contributed nothing to her support nor has she seen him. He since said time residing in the City of Pensacola.

THIRD: That within a short while after their marriage her said husband commenced to neglect her and to pay marked attention to another woman. That Complainant's protests as to this were not only without avail but the said Powell's attitude toward said woman, a near neighbor, made little concealment of the improper relations existing between them; that Defendant's treatment of her soon became not only cold but he threatened her with violence and in November 1934 struck her brutally in the side and has recently threatened her with other violence which threat she has reason to anticipate would have been carried into effect had she continued to live with him as he was addicted to the use of liquor and when intoxicated seemed to have no control over his temper or actions, wherefore Complainant has reasonable grounds for apprehension of violence on the part of her said husband dangerous to her health or life.

FOURTH: Complainant further charges that from October 1934 and up to the time she parted from him the following February the Defendant was repeatedly unfaithful to his marriage vows but she is

not now able to give details as to time and place. That since their separation Complainant has been informed of matters which lead her to believe and she so charges that such improper relations are continuing.

THE PREMISES CONSIDERED, Complainant prays that Ezra C. Powell be made party defendant to this bill and by proper process required to answer same within the time prescribed by law.

Complainant further prays that upon the hearing of this cause a decree be made forever divorcing her from the said Ezra C. Powell granting her the right to remarry should she so desire, to resume her maiden name and to be allowed such sum for counsel fees for the prosecution of this cause as to the Court may seem proper, together with other, further or different relief as to equity may seem meet.

Solicitor for Complainant.

ANNIE MAE POWELL

Complainant

vs

EZRA C. POWELL

Defendant

BILL OF DIVORCE

Handwritten notes and signatures, including a date '10/2/24' and a signature 'J. B. ...'

not now able to give details as to time and place. That since their separation Complainant has been informed of matters which lead her to believe and she so charges that such improper relations are continuing.

THE PREMISES CONSIDERED, Complainant prays that Ezra C.

Powell be made party defendant to this bill and by proper process

required to answer same within the time prescribed by law.

Complainant further prays that upon the hearing of this case

a decree be made forever divorcing her from the said Ezra C. Powell

granting her the right to remain as she should and so desire, to resume

her maiden name and to be allowed such sum for counsel fees as the

provision of this case as to the Court may seem proper, together

with other, further or different relief as to equity may seem meet.

Solicitor for Complainant.

ANNIE MAE POWELL,

Complainant.

VS

EZRA C. POWELL,

Defendant.

BILL OF DIVORCE

*Filed Mar. 16, 1936
Robert S. Duck,
Register,
7.*

ANNIE MAE POWELL,
Complainant.

vs

EZRA C. POWELL,
Respondent.

DEPOSITIONS OF ANNIE MAE
POWELL AND HENRY GIDEONS.

Commissioner's Fee \$10.00
Paid by Complainant.

RECORDED
2-196

ANNIE MAE POWELL,

Complainant

vs

EZRA C. POWELL,

Respondent.

D E C R E E

Filed this 27th day of March 1916
C. J. [Signature]
Clerk-Register

RECORDED

Bueck

6-325-

ANNIE MAE POWELL,

Complainant.

vs

EZRA C. POWELL,

Respondent.

A N S W E R

Filed this 16 day Jun. 1936

Robert S. Bueck

Clerk-Register

MAE POWELL,
Complainant

CIRCUIT COURT
BALDWIN COUNTY,
ALABAMA.

VS

EZRA C. POWELL,
Respondent.

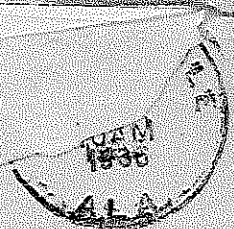
DEPOSITIONS OF ANNIE MAE POWELL
AND HENRY GIDEONS, WITNESSES FOR
COMPLAINANT.

Filed this 30th day of Dec 1936
Robert S. Duck
Clerk-Register

Robert S. Duck, Esq.

Register Circuit Court

Bay Minette, Alabama



Mr. E. Chamberlain

Virginia E. Chamberlain
Cambridge

Virginia E. Chamberlain
~~Cambridge~~

205

ANNIE MAE POWELL,

Complainant,

vs.

EZRA C. POWELL,

Respondent.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,

Depositions of Annie Mae Powell and Henry Gideons

and in behalf of Defendant upon Answer and Waiver

Robert L. Cuck

Register.

RECORDED

Suek

6-326

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

ANNIE MAW POWELL

vs.

EZRA C. POWELL

NOTE OF TESTIMONY

Filed in Open Court this 20th

day of March 1936

Robert Duck

REGISTER

STATE OF ALABAMA,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 205 March Term, 1936

ANNIE MAE POWELL, Complainant

vs.

EZRA C. POWELL, Defendant

To ROBERT S. DUCK, Register :

ANSWER & WAIVER

FILED

In the above stated cause a ~~XXXXXX~~ having been taken ~~XXXXXX~~ at, and evidence having been taken, and the cause being ready for submission for final decree, and no

defense having been interposed, the Complainant, by ELLIOTT G. RICKARBY

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Elliott G. Rickarby
Solicitor for Complainant 7.

RECORDED

Duck

No. *205*

Page *6-326*

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Annie Mae Powell

vs.

Eva C Powell

REQUEST FOR DECREE IN
VACATION

FILED *March 20* 19*36*

Robert S Duck

Register

RECORDED IN RECORD

VOL. PAGE

Register