

The State of Alabama, } No. 804 } CIRCUIT COURT IN EQUITY
Baldwin County

Ozeal Spears Complainant

vs.

James Rudolph Spears, Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and upon consideration thereof, the Court is of 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 the complainant is forever divorced from the Defendant, on account of

Cruelty,

It is further ordered, that the said Ozeal Spears be, and s he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Ozeal Spears pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said

James Rudolph Spears,

It is further ordered, adjudged and decreed that the said Ozeal Spears, shall not again marry except to said James Rudolph Spears until sixty days after this date, and that if an appeal is taken within sixty days s he shall not marry again except to said James Rudolph Spears

during the said pendency of appeal

This 23rd day of August 19 29.

F. W. Hare

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA }
BALDWIN COUNTY }

CIRCUIT COURT, IN EQUITY

I, _____, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the _____ day of _____ 9____,

in the cause of _____

Complainant

vs.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____, 19____

Register

804

8581 NOTE OF TESTIMONY

.Ozeal Spears.....

.....

.....

vs.

James Rudolph Spears.....

.....

.....

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,.....
decree pro confesso and testimony of Ozeal Spears and Joice Green,

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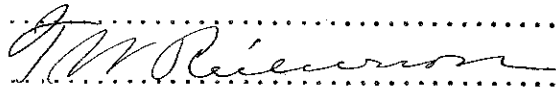
.....

and in behalf of Defendant upon.....

.....

.....

.....



Register.

The State of Alabama, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 804 June 1st 1929. ~~Oct 1st 1929~~

Ozeal Spears,

Complainants

vs.

James Randolph Spears,

Defendants

Motion is hereby made for a Decree Pro Confesso against

James Randolph Spears,

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 1st day of June 1929.

Lloyd Magney

Solicitor.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTC CO.

STATE OF ALABAMA,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 804.

August 21st ~~30th~~ 1929

Ozeal Spears, Complainant

vs.

James Rudolph Spears, Defendant

To T.W. Fisherson, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Lloyd Magney

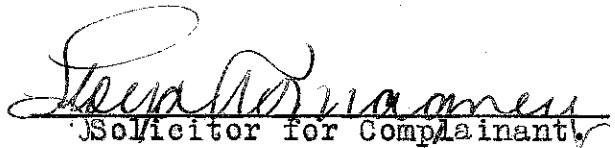
..... Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

..... Lloyd Magney
Solicitor for Complainant.

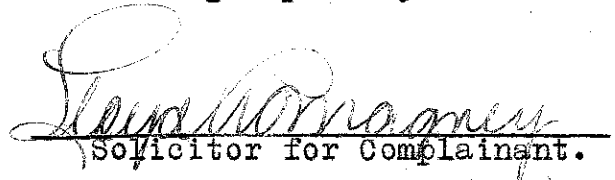
said Respondent James Rudolph Spears is a non-resident of the State of Alabama, and that he is a resident of the State of Florida, residing at Jacksonville therein, but that after diligent inquiry she has been unable to ascertain his place of residence with greater particularity and is unable to give the same.

WHEREFORE your Oratrix prays that she may be granted an absolute divorce from the Respondent, and that she may have such other and further relief in the premises as may be just and equitable.


And your Oratrix does further pray that your Honor direct that the Register of this Court make out and superintend the appropriate order of publication to the non-resident defendant James Rudolph Spears, commanding him to appear within thirty days after the period specified in the order of publication before your Honor in this Honorable Court, then and there to answer all and singular the premises and to stand to and abide such order and decree therein as to this Honorable Court shall seem meet; and your Oratrix will ever pray, &c.

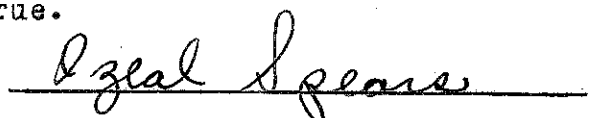

Solicitor for Complainant.

The Respondent James Rudolph Spears is hereby required to answer the allegation of paragraphs numbered 1 to 5 inclusive, but not under oath, oath to said answer being expressly waived.


Solicitor for Complainant.

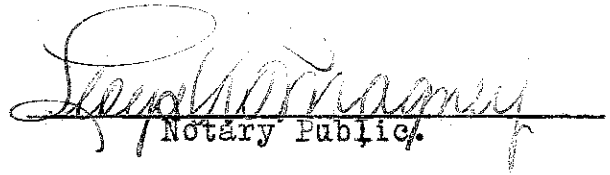
STATE OF ALABAMA,)
County of Baldwin.)

Before me , a notary public in and for said county and state, personally appeared Ozeal Spears, the Complainant herein, who is known to me, and being by me first duly sworn she stated that she has read the foregoing Bill of Complaint and knows the contents thereof and that the same are true of her own knowledge, except as to matters which are therein stated to be on her information and belief, and as to those matters she is informed and believes them to be true.


Ozeal Spears

Subscribed in my presence and sworn to before me this

19 day of March, 1929.


Notary Public.

OZEAL SPEARS,)
)
 Complainant,)
)
 -vs-)
)
 RUDOLPH SPEARS,)
)
 Respondent.)

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

STATE OF ALABAMA,)
)
 County of Baldwin.)

I. T. W. Richerson as Register and Commissioner

have called and caused to come before me Ozeal Spears and Joyce Green, witnesses in said case in behalf of the complainant, ~~do some~~ ~~& others~~, who, being first duly cautioned and solemnly sworn, deposed and testified as follows:

TESTIMONY OF OZEAL SPEARS.

My name is Ozeal Spears, I am 18 years of age and am the complainant in this action for a divorce from James Rudolph Spears. I live in Foley, with my parents, and have lived in Baldwin County, Alabama for a number of years, and continuously for more than three years before filing this bill.

I was married to James Rudolph Spears at Milton, Florida, on September 3rd, 1927, and we immediately returned to Foley where we lived together until May, 1928, when we moved to Loxley and lived there until I was compelled to leave him, which I did on June 25th, 1928, and returned to the home of my parents in Foley.

My entire married life with the Respondent was very unhappy because of his insanely jealous disposition and his ungovernable temper. He was so jealous that I could not have any friends and hardly dared to see or talk to any of my family for fear of arousing his temper. When he would become angry, he had no control of himself, it seemed, and he would make terrible threats and abuse me until I was in constant fear of him and my nerves were all upset, and I really believed that I was in danger of being killed. He often threatened to kill me.

On June 23rd, 1928, while we were living in Loxley, I asked him if I might go to Foley to see my mother and he cursed and slapped my face and accused me of thinking more of my fam

than I did of him and was so wild looking that I was afraid to say any more about going home. But the next morning he brought the matter up himself and when I said that I thought I ought at least to be allowed to visit my mother occasionally, just a few miles away, he flew into another rage, struck me and knocked me down upon the bed and threatened to kill me and I was afraid that he might do so.

Such scenes as this had happened before and by this time my nerves were shattered, my health was beginning to be affected, I was in constant fear of him and that in one of his rages he really would injure me, and I made up my mind I could not stand it any longer and so I sent for my brother, Joyce Green, and he came up to Loxley that evening. But my husband was at home, and I was afraid to try and leave while he was there and so my brother went back home and came up again the next morning, June 25th, 1928, and took me home and I have not lived with my husband since.

I never gave him any provocation for such treatment, was always as good a wife to him as I could be, and never did anything that would give him a right to be jealous or to treat me as he did, but every so often he would fly into one of those insane fits of temper and abuse and threaten me.

After I left him and he found that I was not coming back, he left and went to Florida and I have not seen him since and do not know where he is now.

Ozeal Green Spears

TESTIMONY OF JOYCE GREEN.

My name is Joyce Green, I live in Foley, Alabama, where I am engaged in the retail hardware business, and I am a brother of Ozeal Spears the complainant in this divorce action. I know her husband, James Rudolph Spears, and knew him slightly before her marriage to him and, of course, have known him much better since. He was a sorry fellow, at best, in my opinion, but I did not know until after they were married that he was so jealous by nature that Ozeal could not even speak to one of her old school mates on the street, or show the least sign of affection for her parents or me, without

his objecting to it. When they would come home for a visit if she paid any attention to any one but him he would sit and sulk and refuse to speak and soon make her leave with him, and occasionally he would fly into a passion, although he never attempted to hurt her while I was around, and she said nothing about it although I could see she was very unhappy with him. After they moved to Loxley I heard that he was abusing her, but she never said anything until, I think it was on June 24th, 1928, I got a letter from her saying that she was afraid he was going to kill her and asking me to come and get her and take her home. I drove to Loxley that evening and found her in a very nervous, almost hysterical state, but she would not come home with me as she said that Spears was at home and she was afraid he would kill both of us. She would not let me see or talk to him, but said that if I would come up the next morning after he was gone she would go home with me and I did go up again the next morning and took her home. She was very nervous and in great fear that he would kill her and was in this condition for some time ~~xxx~~ after he left the state and I am sure that her condition was due to his treatment of her.

Joyce Green

I, T. W. Richerson, do hereby certify that the witnesses Ozeal Spears and Joyce Green personally appeared before me and were sworn to speak the truth, the whole truth and nothing but the truth, and their testimony was reduced to writing under my direction; that I have personal knowledge of the identity of the witnesses and that I am not of counsel or kin to any of the parties to said case or in any manner interested in the result thereof.

IN TESTIMONY WHEREOF I have hereunto set my hand this 21st day of August, 1929.

T. W. Richerson
Registrar

State of Alabama

Baldwin County.

Ozeal Spears, Complainant.

VS

James Rudolph Spears,

Respondent.

ORAL DEPOSITION.

~~oral deposition~~ --

Filed Aug 21st 1929.

J. W. McQueen
---Register.

No. 804

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THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Ozeal Spears

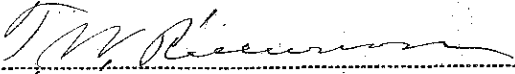
vs.

James Rudolph Spears

REQUEST FOR DECREE IN
VACATION

August 21st

FILED 192



Register

RECORDED IN RECORD

VOL. PAGE

Register

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No. 804 Page

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Ozeal Spears,

RECORDED

Complainants.

Vs.

James Randolph Spears,

Defendants.

MOTION FOR DECREE PRO
CONFESSO ON PUBLICATION.

Filed June 1st 1929

[Handwritten Signature]
Register.

Recorded in Record,

Vol. Page

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No. 804-----

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Ozeal Spears,

VS

James Rudolph Spears

NOTE OF TESTIMONY

Filed in Open Court this 21st
day of August 1929 192

J. W. Peterson

Register
