

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

SARAH ELIZABETH HEATHCOCK

Complainant

VS

JOEL HEATHCOCK

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on PERSONAL SERVICE 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 SARAH ELIZABETH HEATHCOCK is forever divorced from the said

JOEL HEATHCOCK

for and on account of CRUELTY

The Complainant, Sarah Elizabeth Heathcock is hereby permitted

is permitted to assume her maiden name, Sarah Elizabeth Emmons

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 SARAH ELIZABETH HEATHCOCK

be, and IS hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that SARAH ELIZABETH HEATHCOCK

the Complainant pay the cost herein to be taxed, for which execution may issue.

This 23rd day of April, 1942

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 April, 1942

Register of Circuit Court, in Equity.

CIRCUIT COURT IN EQUITY

No. 802 Page

The State Of Alabama  
Baldwin County

In Circuit Court, In Equity

vs. Complainant

Respondent

DIVORCE DECREE

...

It is further ordered that the complainant shall pay to the respondent the sum of \$100.00 as attorney's fees...

It is further ordered that the respondent shall pay to the complainant the sum of \$100.00 as attorney's fees...

It is further ordered that the complainant shall pay to the respondent the sum of \$100.00 as attorney's fees...

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...

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The State of Alabama,  
Baldwin County.

No. 802 CIRCUIT COURT IN EQUITY.

Sarah Elizabeth Heathcock Complainant  
vs.

Joel Heathcock Defendant

In this cause it appears to the Register

that a summons requiring the Defendant, Joel Heathcock,

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon defendant, the said Joel Heathcock, was served upon him by the Sheriff of Baldwin County, Alabama, on the 21st day of February 19 42

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of complainant, the said Sarah Elizabeth Heathcock, by and through her solicitor, H. E. Smith, ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said ~~defendant~~ Joel Heathcock,

Defendant aforesaid.

This 24th day of March 19 42

*R. Smith* Register.

# CHANCERY EXECUTION

## BILL OF COSTS

No. *702 Hutchcraft*

Vs. *Jail Hutchcraft*

Plaintiff  
Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward.....	\$
Filing each bill and other papers.....	\$	10	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%; all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	240
Issuing each subpoena.....		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof.....		40	Each notice sent by mail to creditor...	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.....		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.....	50
Entering each return thereof.....		15	(Acts 1915)	
Docketing each case.....		1 00	Total Fees of Register.....	1390
Entering each appearance.....		25	FEES OF SHERIFF	
Issuing each decree pro confesso on per. ser.....		1 00	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	Levyng attachment.....	3 00
Any other order by Register.....		50	Entering and returning same.....	25
Issuing commission to take testimony.....		50	Selling property attached.....	75
Receiving and filing.....		10	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	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.....	2 50
Taking testimony, etc.....		15	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.....	1390
Issuing each subpoena.....		25	RECAPITULATION	
Witness certificate, each.....		25	Register's Fees.....	1390
Issuing execution, each.....		75	Sheriff's Fees.....	150
Entering each return.....		15	Commissioner's Fees.....	
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....	305
Each settlement with receiver, etc.....		3 00	Total.....	1840
Exam'ing each voucher of Receiver, etc.		10		
Examining each answer, etc.....		3 00		
Recording resignation, etc.....		75		
Entering each cert. to Supreme Court...		50		
Taking questions and answers, etc.....		25		
For all other ser. relating to such proceedings.....		1 00		
For services in proceeding to relieve minors, etc., same fee as in similar cases.				
Commission on sales, etc.: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1½ per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, ¼ of 1 per ct.				
Sub Total Carried Forward.....	8	40		

The State of Alabama, }  
Baldwin County. }

No. \_\_\_\_\_  
Circuit Court, In Equity \_\_\_\_\_ Term, 194 \_\_\_\_\_

To Any Sheriff of the State of Alabama—GREETINGS:  
You are hereby commanded, That of the goods and chattels, lands and tenements of \_\_\_\_\_ Defendant.....  
you cause to be made the sum of \_\_\_\_\_ Dollars,  
which \_\_\_\_\_ Plaintiff.....  
recovered of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 194 \_\_\_\_\_  
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of \_\_\_\_\_ Dollars,  
costs of suit, and have the same to render to the said \_\_\_\_\_  
and make return of this Writ and the execution thereof, according to law.  
Interest from \_\_\_\_\_ 194 \_\_\_\_\_ to date of collection.  
Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 194 \_\_\_\_\_, Register.

Sarah Elizabeth Heathcock, Complainant,	)	
	)	
vs	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
Joel Heathcock, Respondent.	)	IN EQUITY

NON-MILITARY AFFIDAVIT

Personally appeared before me, Hubert  
R. Weston, a Notary Public in and for said State  
and County, Sarah Elizabeth Heathcock, who, being first  
by me duly sworn, deposes and says that she is the com-  
plainant in the above entitled cause and that the said  
respondent, Joel Heathcock, is not in the military or  
naval service of the United States of America. Depo-  
nent further says that she and the said respondent are  
each over the age of twenty-one years.

Sarah Elizabeth Commons

Sworn to and subscribed before me on this  
the 5<sup>th</sup> day of March, 1942.

Hubert Weston  
Notary Public, Baldwin Co.,  
Alabama.

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

IN THE CIRCUIT COURT. IN EQUITY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are commanded to summon Joel Heathcock to appear and plead, answer or demur within thirty days from the service hereof to the bill of complaint, a copy of which is hereto annexed, filed in this Court against him by Sarah Elizabeth Heathcock. HEREIN FAIL NOT, and make due return of this writ as the law directs.

WITNESS my hand this the 30<sup>th</sup> day of February, 1942.

R. Smith  
as Register of said Court.

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Sarah Elizabeth Heathcock, :  
Complainant, :  
vs : IN THE CIRCUIT COURT OF BALDWIN  
Joel Heathcock, : COUNTY, ALABAMA. IN EQUITY.  
Respondent. :

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

Your orator, Sarah Elizabeth Heathcock, respectfully represents that she is now, and has been for more than one year next preceding the filing hereof, a bona fide resident of Baldwin County, Alabama, and is over the age of twenty-one years, and brings this her bill of complaint against the said Joel Heathcock, who is over the age of twenty-one years and is a bona fide resident of Baldwin County, Alabama, residing at Perdido in said County.

On the third day of July, 1939, your orator was lawfully married to the respondent, the said Joel Heathcock, and that they lived together as man and wife until, to-wit: the eighth day of July, 1941. On said last date of, to-wit: the eighth day of July, 1941, the respondent committed actual violence on the person of complainant attended with danger to her life or health by striking her with his fists and threatening and cursing her, and there being reasonable apprehension of further acts of such violence, complainant for her safety and health on said last date went back to her folks to live. Such acts of violence and threats to kill your orator, had repeatedly occurred for several weeks next preceding said last date and the respondent being a man of ungovernable temper, your orator feared for her life or health. Your orator and the respondent have not lived together as man and wife or otherwise since said last date.

WHEREFORE, the premises considered, your orator prays that a summons be issued directed to the said Joel Heathcock requiring him to appear and plead, answer or demur to this bill of complaint within the time allowed by law; and that upon a final hearing hereof your Honor will grant to oratrix a decree of absolute divorce from the said Joel Heathcock, with permission to your oratrix to remarry and will restore to her her maiden name of Sarah Elizabeth Emmons; and that such other relief be granted to her in the premises as may be proper.

H. E. Smith  
Solicitor for Complainant.

Received in Sheriff's Office  
this 20 day of Feb., 1942  
W. R. STUART, Sheriff

Executed by running  
a copy of the following  
Bill of Complaints on  
Joel Heathcock & Thos. J. Hest  
May or February 1942  
W. R. Stuart Sheriff  
By C. G. ...

802

ORIGINAL BILL OF COMPLAINT

Sarah Elizabeth Heathcock,  
Complainant

vs

Joel Heathcock,  
Respondent.

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

RECORDED

Filed this Feb. 20, 1942.

W. R. Stuart  
Register.

**RECORDED**

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Sarah Elizabeth Heathcock  
Complainant

vs

Joel Heathcock  
Respondent

Non-Military Affidavit

Filed May 16 1948  
Reed  
Register





**RECORDED**

No. 802 Page

**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY**

Sarah Elizabeth Heathcock

vs.

Joel Heathcock

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE**

Issued March 24, 1942

*R. B. [Signature]*  
Register.

Sarah Elizabeth  
Hathcock

THE STATE OF ALABAMA,  
BALDWIN COUNTY

VS.

Joel Hathcock

IN EQUITY  
CIRCUIT COURT OF BALDWIN COUNTY

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

Deceit Pro Conditio Testimony  
of Sarah Hathcock and  
Willie Lou Harrell

and in behalf of Defendant upon

Radue Register.

The State of Alabama, }  
BALDWIN COUNTY.

No. 802 CIRCUIT COURT IN EQUITY.

Sarah Elizabeth Heathcock

Complainant

vs.

Joel Heathcock

Defendant

Motion is hereby made for a Decree Pro Confesso against Joel Heathcock

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant.....ha.S... failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 24th day of March, 1942

H. E. Smith

Solicitor.

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,  
Baldwin County.

} NO. \_\_\_\_\_

April TERM, 1942

Sarah Elizabeth Heathcock

Complainant—.

VS.

Joel Heathcock

Respondent—.

TO R. S. DUCK, REGISTER:

In the above stated cause a decree pro confesso  
having been rendered against Joel Heathcock the Respondent—,  
and evidence having been taken, and the cause being ready for submission for final decree, and  
no defense having been interposed, the complainant—, by H. E. Smith,  
Solicitor— 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.

H. E. Smith

Solicitor— for Complainant—.

~~NO RECORDED~~

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Sarah Elizabeth Heathcock

Complainant—

VS.

---

Joel Heathcock

---

Respondent—

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**Request For Decree In Vacation**

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Filed April 22, 194<sup>2</sup>

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Register.

RECORDED

No. 802

Page

STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Sarah Elizabeth Heathcock

Vs.

Joel Heathcock

MOTION FOR DECREE PRO  
CONFESSO ON PERSONAL SERVICE

Filed March 24, 1942

~~1937~~

*Baldwin*  
Register.

Recorded in Record,

Vol. Page

Register.

Baldwin Times Print, Bay Minette.

No. 802

The State of Alabama,  
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Sarah E. Heathcock

VS.

Jaed Heathcock

NOTE OF TESTIMONY

Filed in Open Court this 23

day of April 1942

Robert

Register.



The State of Alabama }  
Baldwin County

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

Sarah Elizabeth Heathcock COMPLAINANT

vs.

Joel Heathcock RESPONDENT

I, R. S. Duck

as Register and Commissioner

have called and caused to come before me Sarah Elizabeth Heathcock and

Willie Lou Harville

witnesses named in the requirement for Oral Examination, on the 22nd day of April, 1942

~~was~~, at the office of R. S. Duck, Register

in Bay Minette, Alabama, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Sarah Elizabeth Heathcock

doth depose and say as follows:

My name is ~~Sara~~ Sarah Elizabeth Heathcock and I am the complainant in this cause for divorce against the respondent, Joel Heathcock. I am now and have been for more than one year next preceding the filing of my bill of complaint in this cause, ~~was~~ a bona fide resident of Baldwin County, Alabama, and I was at the time of filing said bill of complaint over the age of twenty-one years. The said Joel Heathcock is over the age of twenty-one years and is a bona fide resident of Baldwin County, Alabama, and was so at the time of the filing of the bill of complaint herein.

On the 3rd day of July, 1939, I was lawfully married to the said Joel Heathcock by a minister of the gospel, and we lived together as man and wife until the 8th day of July 1941. On said last date, the respondent, Joel Heathcock committed actual violence on my person attended with danger to my life or health by striking her with his fists, and threatened and cursed me, and there being reasonably apprehension of further acts of ~~such~~ such violence, I for my health and safety went back to my folks to live. Such acts of violence and threats to kill me, had repeatedly occurred for several weeks next preceding said last date, and he being a man of ungovernable temper, I feared for my life or health. I and the respondent have not lived together as man and wife or otherwise since said last date. At the said time I had to leave my health was very poor, I was nervous, had lost weight and was in a very run-down conditions due to all of the above, and since I have been staying with my sister I have almost regained my health. I am afraid to live with him any more. ~~Sara~~ ~~was~~ I would like for the Court to restore to me my maiden name of Sarah Elizabeth Emmons.

Sarah Elizabeth Heathcock

ORAL EXAMINATION

I, R. D. Duce 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 and read over to She and They signed the same in the presence of myself and Mr. J. E. Gimbrey at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness; 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 25 day of April 1945.  
R. D. Duce (L. S.)

No. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

VS.

RESPONDENT

ORAL DEPOSITION

Filed April 25, 1945

R. D. Duce Register.

RECORDED IN

Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register

And the said Willie Lou Harville doth depose and say as follows:

My name is Willie Lou Harville, and my husband's name is Arthur Harville. I am a sister of Sarah Elizabeth Heathcock, live in Baldwin County, Alabama, and am a year or two older than my said sister. I have read over the testimony of Sarah Elizabeth Heathcock and know that it is substantially true. On the date of July 8, 1941, in the morning, she came to my house and told me that Joel Heathcock, her husband, had threatened and abused and cursed her and also struck her, and that she could not stay with him any longer as she was afraid to and asked us to look out for her and let her stay with us. Of course we were glad under the circumstances to do so as he had mistreated her so much just before this. Later, in the afternoon, He, Joel Heathcock, came to our house and wanted to see her. ~~Max~~ When she came out, he pulled her out in the yard and told her he would knock her brains out if she did not come on back to live with him. He drew a bottle back to hit her, and I ran in between them with a broom and made him leave. I would not consider it safe for her to stay any longer with him, as it would be attended with danger to her life or health.

Willie Lou Harville.