(4136)

ORAL DEPOSITION

Printed by The Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

EVE C. RILEY COMPLAINANT

vs.

HARRY WADE RILEY RESPONDENT

I, Betty Clark

as Register and Commissioner

have called and caused to come before me Eve C. Riley and Mayme Pittman

witness es named in the requirement for Oral Examination, on the 23rd day of September 19 57, at the office of Ernest M. Bailey

in Fairhope, Alabama, and having first sworn said witness es to speak the truth, the whole truth, and nothing but the truth, the said Eve C. Riley and Mayme Pittman doth depose and say as follows:

STATEMENT OF EVE C. RILEY:

My name is Eve C. Riley. I am over the age of twenty one years and a bona fide resident of Fairhope, Baldwin County, Alabama. I am the Complainant in the above styled cause.
The Respondent and I were married on heretofore, to-wit, August 31, 1957 in Mobile, Alabama; that I was induced to marry the Respondent by fraud or misrepresentation in the following matters: that the said Respondent led me to believe that he was capable of supporting a wife and was making a good salary and was able to provide me with a home. Following the marriage, I learned that the Respondent had no means of support, that he was a habitual drinker of alcohol and that he had no prospects of providing a home for me nor any means of support.

Eve C. Riley
EVE C. RILEY

STATEMENT OF MAYME PITTMAN:

My name is Mayme Pittman and I am over the age of twenty one years and a resident of Baldwin County, Alabama. I personally know both the Complainant and the Respondent and of my own knowledge I know that the said Harry Wade Riley had claimed to have means for supporting a wife; that he had made claims of not being a continuous drinker of alcoholic beverages. I know that since the marriage of the Complainant and the Respondent, the Respondent has drank continuously and that he has no prospects of increasing his wealth and position and providing a sufficient amount to support a wife or family or to provide a home site.

Mayme Pittman
MAYME PITTMAN

ORAL EXAMINATION

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I, Betty Clark 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 es and read over to them and they signed the same in the presence of myself and Ernest M. Bailey at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; 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 23rd day of September, 19 57.

Betty Clark (L. S.)

No. 4136 Page

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

EVE C. RILEY
COMPLAINANT

vs.

HARRY WADE RILEY
RESPONDENT

ORAL DEPOSITION

Filed 19

Register.

FILED
OCT 1 1957
RECORDED IN

Record

Vol. Page

Register.

COMMISSION TO TAKE DEPOSITIONS B.T.-500-11-54

THE STATE OF ALABAMA
Baldwin County } Circuit Court

TO: Betty Clark

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Eve C. Riley and Mayme Pittman

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Eve C. Riley

, Complainant

and Harry Wade Riley

Respondent

on oath, to be by you administered, upon Eve C. Riley and Mayme Pittman to take and certify the deposition s of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 21st day of September, 1957

Register.

Commissioner's Fee, $

Witness' Fees, $

No. 4136

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Eve C. Riley

Complainant

VS.

Harry Wade Riley

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:
Betty Clark

WITNESSES:
Eve C. Riley
Mayme Pittman

EVE C. RILEY,	)	IN THE CIRCUIT COURT OF
Complainant	)	BALDWIN COUNTY, ALABAMA
VERSUS	)	IN EQUITY
HARRY WADE RILEY,	)	
Respondent		

DECREE ANNULLING MARRIAGE

This cause coming on to be heard upon the Bill of Complaint, Answer and Waiver of Respondent and the Testimony as noted by Commissioner and the Court being satisfied therefrom that the averments of the Bill of Complaint are true and that the Complainant is entitled to the relief therein prayed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the purported marriage between Eve C. Riley and Harry Wade Riley on the 31st day of August, 1957, at Mobile, Alabama, be and the same is hereby annulled and declared for naught and that the said Eve C. Riley and Harry Wade Riley be and they are hereby judicially ascertained to be not legally married to each other.

IT IS FURTHER ORDERED, CONSIDERED, ADJUDGED AND DECREED BY THE COURT that the Complainant pay the costs in this cause incurred, for which let execution issue.

Dated this 30 day of April, 1957 at Bay Minette, Alabama.

Hubert M. Hall
JUDGE

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DECREE ANNULLING MARRIAGE

EVE C. RILEY,

Complainant

-vs-

HARRY WADE RILEY,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED
SEP 30 1957
ALICE J. DUCK, Register

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

Eve C. Riley

vs.

Harry Wade Riley

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, and Testimony of Eve C. Riley and Mayme Pittman

and in behalf of Defendant upon Answer and Waiver

Cg

Kenneth M. Bontz
Solicitor for Complainant

Mercer J. Smith
Register.

No. 4136

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Eve C. Riley

vs.

Harry Wade Riley

NOTE OF TESTIMONY

Filed in Open Court this .....

day of FILED, 194 .....

SEP 25 1957

Register.

ALICE J. BECK, Register

Printed at the Baldwin Times

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Harry Wade Riley to appear and plead, answer or demur, within thirty days from the service of this Writ to a Bill of Complaint filed in Circuit Court of said County by Eve C. Riley, as Complainant, against Harry Wade Riley, as Respondent.

Witness my hand this the 21st day of September, 1957.

REGISTER

EVE C. RILEY,) IN THE CIRCUIT COURT OF
Complainant) BALDWIN COUNTY, ALABAMA
VERSUS) IN EQUITY
HARRY WADE RILEY,)
Respondent

Comes your Complainant, Eve C. Riley, and files this her Bill of Annullment of Marriage against Harry Wade Riley and shows unto your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and the Respondent are over the age of twenty one years and are bona fide residents of Baldwin County, Alabama.

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit, August 31, 1957 in Mobile, Alabama; that your Complainant avers that she was induced to consent to the said marriage by fraud or misrepresentation in the following matters: That the said Respondent led your Complainant to believe that he was well able to support a wife and was making a salary or wages of amounts

sufficient to support your Complainant, which said facts were not true, said Respondent being wholly unable to suppor t a wife or family. That said Respondent also promised your Complainant and represented that he could furnish a home and place for him and your Complainant to live as man and wife and after said marriage your Complainant learned that the Respondent was unable to provide a place or home for them to live as man and wife, that in addition to the above and foregoing, said Respondent also misrepresented to Complainant his prospects for an increase in his wealth and position. Your Complainant further shows and avers that the Respondent is addicted to alcohol and at the time of their marriage the Respondent represented to your Complainant that he was not addicted to alcohol and that after said marriage you Complainant learned for the first time that the Respondent was addicted to alcoholic use and tendencies.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Harry Wade Riley be made a party defendant to this cause by the usual Writ or process of this Honorable Court requiring him to appear and plead, answer or demur within the time and under the penalties made and provided by the rules of this Court and the Statutes in such cases made and provided; that upon the final hearing of this cause your Honor will decree that the purported marriage between the Complainant and the Respondent be annulled and declared for naught and that they be judically ascertained not to be legally married to each other but to be single persons. Should your Complainant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.

Eve C. Riley
EVE C. RILEY

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared Eve C. Riley, who, being by me first duly sworn, deposes and says:

That the allegations contained in the foregoing are true and correct.

Eve C. Riley
EVE C. RILEY

Sworn and subscribed before me this 21st day of September, 1957.

Ernest M. Batte
NOTARY PUBLIC

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SUMMONS AND BILL OF COMPLAINT

EVE C. RILEY,

Complainant

versus

HARRY WADE RILEY,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

SEP 25 1957

ALICE J. BUCK, Register

EVE C. RILEY	)	
	)	
Complainant	)	IN THE CIRCUIT COURT OF
	)	
VS	)	BALDWIN COUNTY, ALABAMA
	)	
HARRY WADE RILEY	)	IN EQUITY
Respondent		

ANSWER AND WAIVER

Comes the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause and to each and every paragraph thereof separately and severally, says:

1. Respondent admits the allegations of the first paragraph of the Bill of Complaint.

2. Respondent admits the allegations of the second paragraph of the Bill of Complaint as to date of marriage and the date of separation but denies all other allegations of this paragraph and demands strict proof of the same.

Respondent hereby accepts service of a copy of the Summons and Complaint in this cause and waives further service of the same. The Respondent also waives notice of taking of testimony in this cause and notice of submission of said cause and agrees that the testimony may be taken and the cause submitted without further notice to him.

H W Riley

RESPONDENT

Sworn and subscribed to before me this the 21st day of September, 1957.

Emmett M Bailey

NOTARY PUBLIC, STATE OF
ALABAMA AT LARGE
My commission expires July 14, 1958.

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ANSWER AND WAIVER

EVE C. RILEY,

Complainant

versus

HARRY WADE RILEY,

Respondent

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

SEP 25 1957

ALICE J. BOCK, Register