

(2439)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EURA LEE HOBBS HARDING, Complainant vs.

LEWIS J. HARDING, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ Answer and waiver 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 Eura Lee Hobbs Harding is forever divorced from the said Lewis J. Harding for and on account of abandonment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the custody and control of the minor child of the parties, Linda Carol Harding, is awarded to the Complainant, Eura Lee Hobbs Harding.

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 Eura Lee Hobbs Harding the Complainant pay the cost herein to be taxed, for which execution may issue.

This 23rd day of February, 1953.

[Signature] Judge Circuit Court, In Equity.

I, _____, 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 _____, 19_____

Register of Circuit Court, In Equity.

No. _____ Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

Eura Lee Hobbs Harding

Complainant

vs.

Lewis J. Harding

Respondent

DIVORCE DECREE

*Filed
2-23-53
Alice French*

| | | | |
|-------------------------|---|--------------------------|-------------------------|
| EURA LEE HOBBS HARDING, | } | IN THE CHANCERY COURT OF | |
| Complainant, | | | |
| vs. | | { | BALDWIN COUNTY, ALABAMA |
| LEWIS J. HARDING, | | { | |
| Respondent, | } | NO. _____ | |

DEPOSITIONS OF EURA LEE HOBBS HARDING, COMPLAINANT AND A WITNESS IN HER OWN BEHALF, AND MRS. JOHN E. CULP, A WITNESS ON BEHALF OF COMPLAINANT:

DEPOSITION OF EURA LEE HOBBS HARDING:

My name is Eura Lee Hobbs Harding. I am the complainant in the case of Eura Lee Hobbs Harding, complainant, versus Lewis J. Harding, respondent. I am a resident citizen of Baldwin County, Alabama, and am over the age of twenty-one (21) years, and have been a resident citizen of Baldwin County, Alabama, for more than two (2) years next immediately preceding the filing of this bill for divorce. As a matter of fact, I have been a resident citizen of Baldwin County most of my life except for a few years when I lived in Illinois. The respondent, Lewis J. Harding, is over the age of twenty-one (21) years and is a resident of Cook County, Illinois, his home being 7742 Monroe Street, Forrest Park, Illinois.

The respondent and I were married in New Orleans, Louisiana, on November 21, 1947, and the next day we returned to my home in Robertsdale, Baldwin County, Alabama, where I was living at the time we were married. The respondent and I lived together as husband and wife until the latter part of February 1948, the exact date I do not recall, except that it was on a Sunday. I had left our home that Sunday and when I returned, the respondent had left. Off and on during our married life, my husband would stay drunk. For most of our married life, I thought that my husband was merely sick, but then I began to realize that he was taking dope or under the influence of intoxicating beverages. During our married life,

my husband continuously threatened to murder me and kept a loaded revolver in his room, and I was always afraid for my life. Then, when I became pregnant, my husband, the respondent, tried to insist on me having an abortion and wanted me to see a doctor for this purpose and latter on when he left me, he wrote and wanted me to take some medicine to cause a miscarriage.

I tried to make a go of our marriage, but his continuous drinking and taking of dope completely broke up our home. The respondent and I have not lived together as husband and wife since February of 1948, and he has contributed no support and maintenance for me and our child for the past two (2) years next immediately preceding the filing of this bill for divorce. I have not seen the respondent in three (3) years. On the Sunday on which he left my home in Baldwin County, Alabama, in February of 1948, my sister and my mother and father were there and from what I gather from them he was still under the influence of dope or alcohol. I, of course, know that when I left home that Sunday morning, he was under the influence of dope or alcohol. There was one child born of our marriage. Her name is Linda Carol Harding and she was four (4) years old on September 28, 1952. She has been in my care and custody ever since her birth and I think I am a fit and proper person to have the permanent care and custody of my daughter. I am a school teacher by profession and am now teaching Junior High School in Robertsdale, Alabama. After my husband left me in 1948, I had to go back to college in order to get my BS degree which I received in August of 1952. I feel that I should be granted a divorce in this case, for my husband has never done anything to aid me or my child in the past three (3) years. I live with my mother and father, Mr. and Mrs. W. A. Hobbs, in Robertsdale, Alabama.

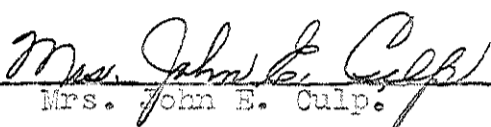
Eura Lee Hobbs Harding
Eura Lee Hobbs Harding

DEPOSITION OF MRS. JOHN E. CULP:

My name is Mrs. John E. Culp. I am the sister of the complainant in the case of Eura Lee Hobbs Harding, complainant, versus Lewis J. Harding, respondent. I am over the age of twenty-one (21) years. I know that the complainant in this case is a resident citizen of Baldwin County and is over the age of twenty-one (21) years and has been such a resident citizen for more than two (2) years next immediately preceding the filing of this bill. I know that the respondent is over the age of twenty-one (21) years and I know that he is a resident of Cook County, Illinois.

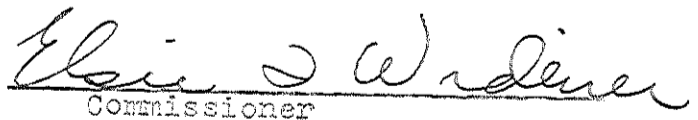
I remember when the complainant and the respondent were married in November of 1947, and they came to live at my mother and father's house in Robertsedale, Alabama, where I was also living at the time. I remember the Sunday in February of 1948, when the respondent abandoned the bed and board of the complainant, and I know that said abandonment from bed and board has continued for more than two (2) years next preceding the filing of this bill for divorce. I know of no reason that the complainant gave the respondent for abandoning her. I know that from the time my sister, the complainant, married the respondent, that he has continuously stayed drunk or under the influence of dope, but at first we did not realize this but felt that he was sick. I know that on numerous occasions, the respondent had threatened to commit murder in my mother's house, and had threatened my sister. He kept a loaded revolver in the house and acted so queerly that we were all afraid that he would kill some one. From the time the respondent married my sister and lived with my mother and father, he never did have a job and lived off the earnings of my sister and my father. To my knowledge, the respondent has done nothing in the way of contributing any support and maintenance to the complainant or their minor child. I certainly think that the complainant is

entitled to a divorce in this case, for at no time since her marriage to the respondent has he done anything to help her. My sister would even give him money and he would use this money to buy wines and whiskeys with. There was born of this marriage between the complainant and the respondent a daughter named Linda Carol Harding who is four (4) years old. It is certainly to the best interest of said child for the complainant to have permanent care and custody of this child for she is a school teacher and lives with her own mother and father and can adequately maintain and support this child.


Mrs. John E. Culp.

I, Elsie T. Widener, as Commissioner, hereby certify that on the 14th. day of February, 1953, there appeared before me in the office of Mr. Sam M. Johnston, Jr., 808 First National Bank Annex, Mobile, Alabama, Eura Lee Hobbs Harding, complainant, and Mrs. John E. Culp, a witness on behalf of complainant, in the case of Eura Lee Hobbs Harding, complainant, versus Lewis J. Harding, respondent, on the Chancery Docket of the Circuit Court of Baldwin County, Alabama, who, having been made known to me and having been duly sworn to speak the truth, the whole truth and nothing but the truth, testified as set out in the foregoing depositions. I further certify that the answers of the witnesses to the questions propounded to them by Sam M. Johnston, Jr., Solicitor for the complainant, were reduced to writing by me, as nearly as might be in the language of the witnesses, and transcribed on the typewriter; that the answers as written and set out in the foregoing depositions were then and there read over to them in my presence and signed by them in my presence; and that I am not of counsel nor of kin to any of the parties to this cause, nor am I in any way interested in the result thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th. day of February, 1953.


Commissioner

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FILED
FEB 20 - 1953
ALICE I. DUCK, Register

STATE OF ALABAMA |
COUNTY OF MOBILE |

Before me, the undersigned authority in and for said County in said State, personally appeared EURA LEE HOBBS HARDING, who being by me duly sworn on oath, deposes and says that she is the complainant in the foregoing bill of complaint; that the respondent, Lewis J. Harding, is over the age of twenty-one (21) years, a non resident of the State of Alabama, and a resident of Cook County, Illinois, his post office address being 7742 Monroe Street, Forrest Park, Illinois.

Eura Lee Hobbs Harding
Eura Lee Hobbs Harding

Subscribed and sworn to before me
on this the 6th. day of October, 1952.

Elsie I Widener
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

NO 2939

FILED
DEC 31 1952
ALICE J. DUCK, Register

JOHNSTON, McCALL & JOHNSTON
LAWYERS
EIGHTH FLOOR FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

SAMUEL M. JOHNSTON
DAN T. McCALL, JR.
WILLIAM E. JOHNSTON
SAMUEL M. JOHNSTON, JR.
PERCY W. JOHNSTON, JR.

December 30, 1952

MAILING ADDRESS:
P. O. BOX 550
MOBILE 4, ALABAMA


Mrs. Alice Duck
Clerk, Circuit Court of Baldwin
County, Alabama
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing you herewith the following papers which I would thank you to file on the Equity Side of the Circuit Court of Baldwin County:

1. Bill of Complaint of Eura Lee Hobbs Harding, Complainant, against Lewis J. Harding, Respondent.
2. Affidavit of Complainant as to residence of the respondent.
3. Answer of Respondent.
4. Waiver of the taking of the testimony in said cause.

Yours very truly,


Sam M. Johnston

SMJ:etw
encls.

JOHNSTON, McCALL & JOHNSTON
LAWYERS
EIGHTH FLOOR FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

SAMUEL M. JOHNSTON
DAN T. McCALL, JR.
WILLIAM E. JOHNSTON
SAMUEL M. JOHNSTON, JR.
PERCY W. JOHNSTON, JR.

MAILING ADDRESS:
P. O. BOX 550
MOBILE 4, ALABAMA

February 14, 1953

Mrs. Alice Duck
Register, Chancery Court of Baldwin
County, Alabama
Bay Minette, Alabama

Re: Eura Lee Hobbs Harding, complainant,
vs. Lewis J. Harding, respondent

Dear Mrs. Duck:

On December 30, 1953, we forwarded to you certain papers to be filed in the above entitled cause. Enclosed with said papers was the Waiver signed by both parties of the taking of the testimony in said cause. As I understand that this waiver is to accompany the testimony which I have taken, would you please be so kind as to return it to me.

Yours very truly,

Elsie T. Widener
Elsie T. Widener,
Secretary.

Johnston, McCall & Johnston
P. O. Box 550
Mobile, Alabama

February 20, 1953

Mrs. Alice J. Duck
Register
Chancery Court of Baldwin County
Bay Minette, Alabama

Re: Eura Lee Hobbs Harding vs.
Lewis J. Harding

Dear Mrs. Duck:

I am enclosing herein note of evidence in the above case and would thank you to submit this case to the Judge for final decree. Would you kindly let me know the court costs in this matter and we will forward you our check immediately.

Thank you for your courtesy in this matter.

Very truly yours,

Sam. M. Johnston, Jr.
Sam M. Johnston, Jr.

SMJ, jr./sp
Encl.

EURA LEE HOBBS HARDING,

Complainant,

No.-----VS.

LEWIS J. HARDING,

Respondent.

IN THE CHANCERY COURT OF BALDWIN

COUNTY, ALABAMA.

ORDER OF SUBMISSION

~~This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.~~

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

FILED, 2-20-51

W. J. [Signature] Register

- Bill of complaint
- Answer and waiver of respondent
- Waiver of complainant and respondent for taking of testimony
- Depositions of Eura Lee Hobbs Harding complainant and Mrs. John E. Culp.

Johnston, M. C. Johnston by Sam. M. Johnston
Solicitor-for Complainant

FOR RESPONDENT

Solicitor-for Respondent

No. _____

Vs.

**ORDER OF SUBMISSION
NOTE OF EVIDENCE**

FILED Terms, 19

FEB 20 - 1922, 19

ALICE L. DICK, Registrar

Ent. Min. No. _____, Page _____

EURA LEE HOBBS HARDING,
Complainant,
vs.
LEWIS J. HARDING,
Respondent.

IN THE CHANCERY COURT OF
BALDWIN COUNTY, ALABAMA

NO. 2939

It is agreed between the complainant, Eura Lee Hobbs Harding, and the Respondent, Lewis J. Harding, in the above entitled cause, that the testimony in this case may be taken by Elsie T. Widener, or some other suitable person as Commissioner, without the formal issuance of a Commission to her, or to such other suitable person, at anytime or place, and without any notice thereof to the undersigned Respondent, Lewis J. Harding; and that the cause may be submitted for final decree at anytime without any notice to the undersigned Lewis J. Harding, Respondent.

Eura Lee Hobbs Harding
Eura Lee Hobbs Harding

Lewis J. Harding
Lewis J. Harding

STATE OF ALABAMA |
COUNTY OF MOBILE |

I, the undersigned Notary Public in and for said State and County, do hereby certify that Eura Lee Hobbs Harding, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Witness my hand and official seal this 6 day of October, 1952.

Elsie T. Widener
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

STATE OF ILLINOIS |
COUNTY OF COOK |

I, the undersigned Notary Public in and for said State and County, do hereby certify that Lewis J. Harding, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Witness my hand and official seal this 12 day of NOVEMBER October, 1952.

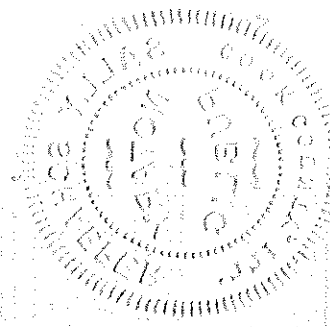
Green Schaefer Oak Park Ill
NOTARY PUBLIC, COOK COUNTY, ILLINOIS

2939

2939

I have been thinking of you very much lately and
 wondering how you are getting on. I hope you are
 well and happy. I have been very busy lately
 but I will try to write to you more often.
 I love you very much and miss you very much.
 Write to me when you have a chance.
 I am your affectionate
 [Name]

FILED
 DEC 31 1952
 ALICE L. DICK, Register



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EURA LEE HOBBS HARDING,
Complainant,

vs.

LEWIS J. HARDING,
Respondent.

IN THE CHANCERY COURT OF
BALDWIN COUNTY, ALABAMA

NO. 2939

Comes the Respondent, Lewis J. Harding, and for answer to the bill of complaint filed against him says:

1. He admits the allegations in Paragraph 1 of the Bill of Complaint.
2. He admits the allegations as to the date and place of the marriage between the complainant and respondent in Paragraph 2 of the Bill of Complaint, but denies each and every other allegation therein as to which he demands strict proof thereof.
3. He admits the allegation as to the birth of their daughter, Linda Carol Harding, in Paragraph 3 of the Bill of Complaint, but denies each and every allegation therein as to which he demands strict proof thereof.

Lewis J. Harding
Respondent

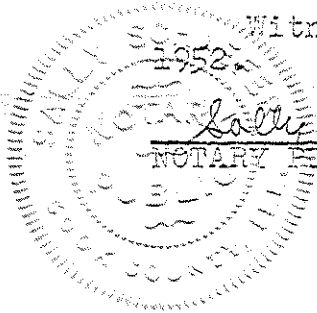
STATE OF ILLINOIS

COUNTY OF COOK

I, the undersigned Notary Public in and for said State and County, do hereby certify that Lewis J. Harding, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Witness my hand and official seal this 17 day of ^{NOVEMBER} ~~October~~,

Sally Schaffer *Oak Park Ill*
NOTARY PUBLIC, COOK COUNTY, ILLINOIS



2939

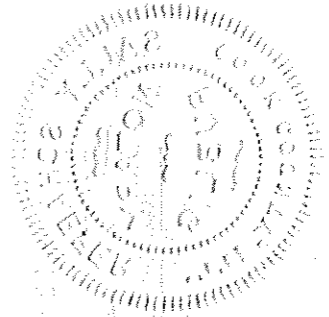
RECORDED

Answer

FILED

DEC 31 1952

ALICE J. BUCK, Registrar



EURA LEE HOBBS HARDING,
Complainant,
vs.
LEWIS J. HARDING,
Respondent.

IN THE CHANCERY COURT OF
BALDWIN COUNTY, ALABAMA
NO. 2939

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

The bill of complaint exhibited by Eura Lee Hobbs Harding,
complainant, against Lewis J. Harding, respondent, respectfully
shows:

1. Complainant is a resident citizen of Baldwin County,
Alabama, over the age of twenty-one (21) years and has been
such a resident citizen for more than two (2) years next im-
mediately preceding the filing of this bill. The respondent
is over the age of twenty-one (21) years, a resident of Cook
County, Illinois, his post office address being 7742 Monroe
Street, Forrest Park, Illinois.

2. Complainant is the wife of the respondent and they
were intermarried in New Orleans, Louisiana on November 21, 1947,
and thereafter they lived together as husband and wife in Baldwin
County, Alabama, until, to-wit, the last part of February, 1948,
when the respondent voluntarily abandoned the bed and board of your
complainant, which voluntary abandonment from bed and board has
continued for more than two (2) years next preceding the filing
of this bill.

3. There was born of the marriage of your complainant with
the respondent one (1) child, a daughter, Linda Carol Harding,
now four (4) years of age of whose care and custody complainant
has had since her said birth, and complainant is the proper per-
son to have the permanent care and custody of said child.

PRAYER FOR PROCESS

The premises considered, your complainant would pray that
the said Lewis J. Harding be made a party respondent to this

bill, that process in the usual form be issued by the Register of this Court ordering and commanding the respondent to be and appear before this Court within the time required by law, then and there to plead, answer or demur to this bill.

PRAYER FOR RELIEF

The premises further considered, your complainant would further pray that upon the final hearing hereof, your Honor would be pleased to dissolve the bonds of matrimony now existing between complainant and respondent and to grant unto her a divorce, and by said decree the permanent care and custody of their said daughter, Linda Carol Harding, be awarded to and reposed in your complainant.

And, if your complainant has not prayed for the proper relief, may it please the Court to grant unto her such other, further, different and general relief as in equity and good conscience she may be entitled, the premises considered.

Eura Lee Hobbs Harding
Complainant

Johnston McCool & Johnston
Attorneys for Complainant

W 2939

RECORDED

Bill of Complaint

FILED

DEC 31 1952

ALICE J. DICK, Register