

The State of Alabama, { No. 759
Baldwin County.

Circuit Court, in Equity.

Dixie E. Vail

Complainant

vs.

T.L.C. Vail

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 habitual drunkenness after marriage,

It further orderd, that the said Dixie E. Vail

be, and § he is hererby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Dixie E. Vail

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

T.L.C. Vail

It is further ordered, adjudged and decreed that said Dixie E. Vail

shall not again marry except to said T.L.C. Vail

until sixty days after this date, and that if an appeal is taken within sixty days § he shall not

marry again except to said T.L.C. Vail

during the said pendency of appeal

This 20th day of August 1928

John D. Light
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 _____ 192____, 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 _____ 192____

Register

m

NO. 759

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY,
BALDWIN COUNTY, ALA.

Dixie W. Vail

vs.

T. L. C. Vail

DECREE OF DIVORCE.

Filed in office this *20th*

day of *Aug*, 192*8*

T. W. Williams
Register.

E. O. M.

Moore Printing Co. Bay Minette, Ala.

RECORDED

Dixie E.Vail,)	
Complainant	0	Baldwin County Alabama
)	Circuit Court in Equity.
Vs	0	
)	
T.L.C. Vail,	0	
Respondent)	

To the Honorable John D. Leigh, Judge of said Court:

Your Complainant, Dixie E. Vail, respectfully shows unto your Honor that she is over the age of Twenty-one years and that is and has been a Bona fide resident citizen of Alabama for more than three years next preceeding the filing of this bill: that the Respondent is a resident citizen of Alabama, now residing ~~in~~ and has been residing in Baldwin County Alabama for more than three years next before the filing of this bill and is over the age of twenty-one years; that the Complainant is at present residing in Sheffield, Colbert County Alabama.

The Complainant and Respondent intermarried in Birmingham Ala. on or about the 21st day of August 1907 and have ever since and are now husband and wife; that they moved to Baldwin County Alabama some time during the month of December 1923 and have been bona fide resident citizens of Baldwin County Alabama ever since.

That about ten years ago Respondent became addicted to strong drink and finally became an habitual drunkard; that he continued to be an habitual drunkard up to ~~some time during the month of August 1927, when~~ Complainant left him and has refused to live with or cohabit with him in any manner since said time: That Respondent became addicted after marriage to habitual drunkenness which habitual drunkenness continued until the time Complainant left him during the month of August 1927, *and thereafter*

Premises considered Complainant prays that due and proper process issue out of this court directed to the Respondent requiring him to plead, answer or demur to this bill of complaint within the time required by law; that the bonds of matrimony existing between Complainant and Respondent be dissolved and that Complainant be again ~~be~~ allowed to contract marriage as she so see fit.

Complainant further prays for such other and further relief as to your Honor may seem fit and proper.

J. I. Pollard
 Solicitor for Complainant

Foot-Note

Respondent is required to answer each and every paragraph of this bill of complaint, but not under oath, oath being specifically waived.

J. I. Pollard
 Solicitor for Complainant

State of Alabama
Baldwin County

Circuit Court in Equity

Dixie E. Vail,
Complainant

Vs

T.L.C. Vail,
Respondent

Depositions of Dixie E. Vail, witness examined on behalf of the Complainant in the above entitled cause by the Commissioner, and at the place, time and in manner hereinafter stated.

The said Dixie E. Vail first being duly sworn deposes and says on oath as follows,

My name is Dixie E. Vail and am the Complainant in the above styled cause wherein T.L.C. Vail is Respondent. I was over the age of 21 years when I filed the bill in this cause. I am now living in Sheffield Ala. and have been living in Sheffield since the early part of this year. The Respondent was 21 years old when the above bill was filed and was a resident citizen of Baldwin County Ala. and had been a resident citizen of said county since Dec. 1923.

Respondent and I were married in Birmingham Alabama on or about the 21st day of August 1907 and lived together as man and wife until some time during the month of August 1927, when I left him on account of his being an habitual drunkard.

When Respondent and I married he was an industrious sober man and continued to be sober and industrious until after we moved to Atlanta Ga. in the year 1915. After we moved to Atlanta he began to drink and finally became an habitual drunkard. I persuaded him to move with me to Foley Alabama and we moved there in December 1923-thinking that by getting him away from his associates he would reform. We went into business together in Foley but he continued to drink to the extent he was not able to attend to the business and I had to take charge of the business and run it myself. I then sent him to Mobile to take the whiskey cure and after he came back to Foley he apparently was sober for a month or two but soon went back to his habit of getting drunk and his condition finally got so bad he was unable to attend to the business and I finally had to give up the business and sold out every thing and told him I could not live with him any longer and left him in Foley Alabama during the month of August 1927 and have never lived with or cohabited with him in any manner since. For a good many months before I left my husband he never drew a sober breath and has continued to drink since I left him.

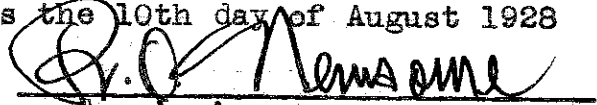
Since I left my husband I have had to make my own living and have nothing to live on except my own labor. Since I left my husband he has never contributed or offered to contribute in any manner to my support.

Dixie E. Vail

I, R.O. Newsome, under and by virtue of a commission issued out of the Circuit Court in Equity of Baldwin County Ala. in said ~~XXXX~~ entitled cause, therein pending, do hereby certify that I caused to come before me at Sheffield Ala. on the 10th day of Aug. 1928 the aforesaid witness Dixie E. Vail; that I have personal knowledge of the said witness; that said witness, after being duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined by me and testified as hereinabove shown, her answer being reduced to writing as near as might be, in her own language; whereupon she subscribed her name to the same in my presence? I further certify

that I am neither of counsel nor of kin to any of the parties to this cause, nor in any manner interested in the result thereof.

Witness my hand this the 10th day of August 1928


Commissioner

The State of Alabama, }
Baldwin County

CIRCUIT COURT.

To Hon. R. O. Newsome, Sheffield Alabama,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Dixie E. Vail

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Dixie E. Vail

Complainant

and

T. C. L. Vail

Defendant,

on oath to be by you administered, upon ~~interrogatories~~ oral examination to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 3rd day of August 1928

T. W. Pearson
Register.

Commissioners Fee \$

Witness Fee's \$

No. 759.

THE STATE OF ALABAMA,

Baldwin

County.

CIRCUIT COURT.

Dixie E. Vail

Complainant.....

vs.

T. C. L. Vail

Defendant.....

Grand Aug 20/28
T. C. L. Vail
Regulator Defendant.....

COMMISSION TO TAKE DEPOSITION
ON INTERROGATORIES.

COMMISSIONER:

Wm. R. O. Newsome,

WITNESSES:

Dixie E. Vail.

The State of Alabama, }
Baldwin County

CIRCUIT COURT.

To Hon. H.L. Mc Cain,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commission-
er, and by these presents do authorize you, at such time and place as you may appoint, to call before you and
examine Dr. T.D. Abernathy, J.W. Randall, and John Stark, all of Foley, Alabama.

as witnesses in behalf of Complainant, in a cause pending in our Circuit
Court of Baldwin County, of said State, wherein

Dixie E. Vail

Complainant

and

T.L.C. Vail

Defendant,

on oath to be by you administered, upon ~~interrogatories~~ Oral examination,
to take and certify the deposition of the witness and return the same to our Court, with all convenient
speed, under your hand.

Witness 15th day of August 1928

T.W. Reiman
Register.

Commissioners Fee \$ none

Witness Fee's \$ none

No. 759.

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT.

Dixie E. Vail

Complainant.....

vs.

T. L. C. Vail

Defendant.....

COMMISSION TO TAKE DEPOSITION
ON ~~INTERROGATORIES~~ oral
examination.

COMMISSIONER:

Hon. H. L. Mc Cain

WITNESSES:

Dr. T. L. Abernathy
J. W. Randall,
John Stark,
all of Foley Ala.

Oral Deposition

Circuit Court of Baldwin County Ala.
In Equity

State of Alabama
Baldwin County

Dixie E.Vail,
Complainant
Vs
T.L.C.Vail,
Respondent

I, H.L.McCain, Commissioner have called and caused to come before me Dr. F.L.Abernathy, John Stark and _____ witnesses named in the requirements for Oral Examination on the 18th day of August 1928 at Foley Ala., and having first sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, the said witnesses doth depose and say as follows;

John Stark deposes and says as follows;

My name is John Stark. I live in Foley Baldwin County Ala. I know Dixie E.Vail the Complainant and T.L.C.Vail the Respondent and have known them for more than four years. They are each over the age of ~~21~~ 21 years and are resident citizens of Baldwin County Ala. and have been for more than 4 years, except Dixie E.Vail left Mr.Vail about a year ago and is now living in Sheffield, Ala. Mr.Vail still is a resident citizen of Baldwin County Ala. They are man and wife. I know both of the parties well and have come in personal contact with them practically every day since I have known them, except I have not seen Mrs.Vail since she left her husband about a year ago. I know she is in Sheffield Ala. for the reason we frequently hear from her, About a year ago Mrs.Vail left her husband and has not lived with him since I know of my own knowledge that Mr.Vail is addicted to the whiskey habit to the extent he is considered an habitual drunkard. I have seen him drunk a great number of times. His wife had him sent to Mobile to be cure of the whiskey habit and after he came back home he apparently was sober several weeks then went back to his old habit of getting drunk and stayed drunk as much as he did before he took the whiskey cure. I know of my own know of my own knowledge that his wife worked with him to get him to quit the whiskey habit and failing in this she left him and has not lived with him since. Mrs.Vail has nothing and has to work for her own living. Mr.Vail was in business and Mrs.Vail assisted him but on account of his whiskey habit he was incapacitated to attend to his business ~~and~~ with the result his business was wrecked.

John Stark

Dr. F.L.Abernathy deposes and says on oath as follows;

My name is F.L.Abernathy. I live in Foley Alabama and am a practising physician and have been practising medicine for about 12 years. I know T.L.C.Vail and his wife Dixie Vail and have known them for four or five years. They are resident citizens of Baldwin County Alabama and have been for more than four years, except Mrs.Vail I am informed has been living in Sheffield Ala. since she left her husband about a year ago and has not lived with her husband since she left him. Mr.Vail was a steady drinker and madd a habit of getting drunk. I had him sent to Mobile to take the whiskey cure. He came back home and apparently stayed sober for a few weeks and then went back to his old habit of drink and his wife continued to live with him for several months but finally left him and has not, so I am informed and believe lived with him since she left him.

F.L.Abernathy

I, H.L.McCain, as Commissioner, hereby certify that the foregoing depositions on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of at the time and place herein mentioned; that I have personal knowledge of the personal identity of the said witnesses; that I am not of counsel or of kin to any of the parties to said cause, or in any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to directed to Register of said court.

Given under my hand and seal, this the 18th day of August 1928

H.L.McCain (L.S.)
Commissioner

Paul Aug 18/28
D. W. [unclear]
[unclear]

11

CP

J. L. POLLARD
ATTORNEY-AT-LAW
SHEFFIELD, ALABAMA

June 5, 1928

Clerk of the Circuit Court
Bay Minette
Alabama

Re: Vail Vs Vail

Dear Sir;-

Please find enclosed bill for divorce in the above styled ~~cause~~, which I would thank you to file and issued subpoena to the Respondent, who I understand lives in Bay Minette.

It is my understanding that there will be no fight made by the Respondent. If no answer is filed please advise me time for taking decree pro confesso. If answer should be filed I would thank you to immediately forward me copy of same.

Please let me know date of service of subpoena on Respondent and oblige,

Yours very truly,



P

J. L. POLLARD
ATTORNEY-AT-LAW
SHEFFIELD, ALABAMA

July 26, 1928

Hon. T. W. Richerson, Register,
Bay Minette
Alabama

Re: Vail Vs Vail

Dear Sir;-

Please find enclosed motion for decree pro confesso in the above styled cause. I would thank you to file the motion and grant the decree on the 30th inst if the decree has not already been granted.

Mr. W. C. Beebe agreed to assist in taking the testimony in this case and I wrote and asked him to file motion for decree pro confesso but have had no reply from my letter. It may that decree has already been granted, if so there will be no need of filing this application.

I would appreciate very much if you would advise me as soon as decree pro confesso is granted

Yours very truly,

J. L. Pollard

J. L. POLLARD
ATTORNEY-AT-LAW
SHEFFIELD, ALABAMA

Aug. 2, 1928

Hon. T. W. Richerson, Register
Bay Minette
Alabama

Re: Vail Vs Vail

Dear Sir;-

Please issue commission to R. O. Newsome,
Sheffield, Ala. to take the depositions of Mrs. Vail.
You can forward the Commission either direct to me or
to Mr. Newsome.

Thanking you to give this matter your
prompt attention, I am,

Yours very truly,

J. L. Pollard

TOWN OF FOLEY

Foley, Ala.

Aug.14,1928

Hon.T.W .Richerson,Clerk

Bay Minette

Ala.

Re:Vail Vs Vail

Dear Sir;

Please issue commission to H.L.McCain to take the depositions of Dr.T.L.Abernathy, J.W.Randall and John Stark,all of Foley Ala. and forward the commission to me at Foley.

I would thank you to attend to this at once in order that I may have the testimony taken while I am here.

I would suggest also that you forward me form of application to submit the case during vacation,which I will sign and return to you with the depositions.

Yours very truly,

J. L. Ballard

AFTER FIVE DAYS RETURN TO
TOWN OF FOLEY
FOLEY, ALA.

FOLEY
AUG 18
11-AM
1928
ALA.



Mr. T. W. Richerson, Clerk,
Bay Minette
Alabama

TOWN OF FOLEY

Foley, Ala.

August 18, 1928

Mr. T. W. Richerson, Clerk
Bay Minette
A la.

Dixie E. Vail
Vs
T. L. C. Vail

Dear Sir;-

The depositions of John Stark and Dr. F. L. Abernathy being mailed to you today.

Please forward the papers in the above case to the Judge for decree in vacation and upon receipt of decree forward me a certified copy of same together with cost bill and I will have check forwarded to you for the costs.

Thanking you to give this matter your prompt attention, I am

Yours very truly,

J. L. Powell
Sherfield, Ala.

8581 NOTE OF TESTIMONY

Dixie E. Vail

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.....
.....

vs.

T.L.C. Vail

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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 Dixie E. Vail ,
John Stark and F.L. Abernathy,

and in behalf of Defendant upon

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.....

T.W. Rice

Register.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 759 Vacation Term, 1928

Dixie E. Vail , Complainant

vs.

T.L.C. Vail , Defendant

To T.W. Richerson , 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 J.L. Pollard,

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.

J.L. Pollard,
Solicitor for Complainant.

No. 759

5

Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Dixie E. Vail

vs.

T.L.C. Vail

REQUEST FOR DECREE IN
VACATION

FILED August 20th 1928

J.M. Rice
Register

RECORDED

RECORDED IN RECORD

PAGE

Register

6

759
No. -----

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Dixie E. Vail

VS

F. L. C. Vail

NOTE OF TESTIMONY

Filed in Open Court this 20th
day of August 1928.

F. W. [Signature]

Register

MOORE PTGCC

RECORDED

The State of Alabama, }
Baldwin County.

No. 759.

CIRCUIT COURT, IN EQUITY

Dixie E. Vail

Complainant

vs.

T. C. L. Vail,

Defendant

Register

In this cause it appears to the

that a Summons requiring the Defendant

T. C. Vail,

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 T. C. Vail,

was served upon him by the Sheriff of Baldwin County, Alabama, on the

7th day of June 1928

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 Hon. J. L. Pollard

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 T. C. Vail,

Defendant aforesaid.

This 30 day of July 1928

J. W. McCreary
Register.

The State of Alabama

Baldwin County

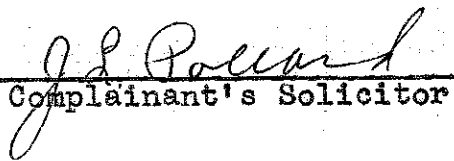
Dixie E. Vail
Complainant
VS

T. J. C. Vail,
Respondent

Circuit Court in Equity
Baldwin County Alabama

Comes J. L. Pollard, Solicitor, for the Complainant in said cause and moves the Register to grant a decree pro confesso against the Respondent T. J. C. Vail, summons having been served on the said Respondent by the Sheriff of Baldwin County Alabama, on the 7th day of June 1928; and the said T. J. C. Vail having failed to answer plead or demur to the Bill of Complaint in this cause within the time required by law.

Dated this the 25th day of July 1928


Complainant's Solicitor

The State of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon T.C.L. Vail,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by Dixie E. Vail,

against said T.C.L. Vail,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 7th day of June 1928.

T.W. Richerson Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

2 Original

SERVE ON _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Dixie E. Vail

vs.

T. G. C. Vail

J. L. Pollard

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 7th

day of June 1928

Sheriff.

Executed this 7th day of

June 1928

by leaving a copy of the within Summons with

T. G. C. Vail

Defendant.

L. G. Vail

Sheriff.

By *W. H. Wiggins*

Deputy Sheriff.

RECORDED

3
No. _____

State of Alabama
Baldwin County

Circuit Court in Equity

Dixie E. Vail,
Complainant

Vs

T. E. Vail,
Respondent

Application for Decree
Pro Confesso

Filed in office this the 27
day of July 1928

J. W. Williams
Register

RECORDED

4

No. 759 Page

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.

Dixie E. Vail

Vs.

T. C. I. Vail

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued July 30th 1928

J. W. Riccison

Register.

RECORDED