

853

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, In Equity,

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

Herbert H. Hill

Yorba Linda

California.

of _____ 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

Ethel Smith Hill,

against said

Herbert H. Hill,

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 28th day of October 1929.

T. W. Richerson Register

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

The State of Alabama, } No. 853 CIRCUIT COURT IN EQUITY
Baldwin County }

Ethel Smith Hill, Complainant

vs.

Herbert H. Hill, 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, on the part of Herbert H. Hill toward Ethel Smith Hill,

It is further ordered, that the said Ethel Smith Hill 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 Ethel Smith Hill, 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 Herbert H. Hill,

It is further ordered, adjudged and decreed that the said Ethel Smith Hill, shall not again marry except to said Herbert H. Hill, 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 Herbert H. Hill,

during the said pendency of appeal

It is further ordered that the Complainant Ethel Smith Hill, be and she is hereby awarded the custody of Robert Blakely Hill a minor child born of this marriage, subject to further orders of the Court.

And that Ethel Smith Hill be allowed to resume the use of her maiden name of Smith This 21st day of December 1929

G. 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

W RECORDED

No. 853

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY,
Baldwin County, Ala.

Ethel Smith Hill

vs

Herbert H. Hill,

DECREE OF DIVORCE

Filed in office this 21st

day of December, 19 29

T. W. Rice

Register.

E. O. M.

STATE OF ALABAMA
COUNTY OF BALDWIN

IN CIRCUIT COURT
IN EQUITY

ETHEL SMITH HILL, Complainant,

vs.

HERBERT H. HILL, Defendant.

THE DEPOSITIONS

of Mrs. Ethel Smith Hill, Mrs. Alice M. Smith and of Josephine A. Smith, witnesses examined on behalf of the Complainant in the above entitled cause which is pending in the Circuit Court of Baldwin County, Alabama;

The said witnesses appeared before me at the time and place hereinafter mentioned and, after having been first duly sworn to speak the truth, the whole truth and nothing but the truth, did testify and says as follows:

Ethel Smith Hill, being called as a witness in her own behalf, testified as follows in answer to interrogatories:

- Q. What is your name, age, and residence?
- A. Ethel Smith Hill, aged 35 years, Fairhope, Alabama.
- Q. How long have you lived at Fairhope, in Baldwin county?
- A. Nearly three years at the present time, and previously for over five years.
- Q. When did you marry the Defendant, Herbert H. Hill?
- A. On the 19th day of July, 1917.
- Q. Were any children born of that marriage?
- A. Yes, one boy, Robert Blakely, now ten years old.
- Q. How long did you live with the Defendant in Baldwin county?
- A. About ~~sixty~~ five years.
- Q. How long did you live with the Defendant elsewhere?
- A. About three years.
- Q. How has the Defendant treated you while you have lived with him as his wife?
- A. Shortly after we were married he commenced to ill-treat me, striking me with a whip one time when my parents were visiting at our house. During all of the years we have lived together, both up north and in this county, ~~we~~ and up until the time he left me and went to California, he was cruel to me in so many ways. Many times he struck me and slapped me over any little thing which displeased him, and on more than one occasion threatened to kill me when he was in one of his fits of anger. He is a man of very violent temper and I was afraid that he would carry out his threats some time when he was almost out of his mind. I was made ill more than once by his angry temper and his striking me and calling me every vile name he could think of and swearing at me. During most of time since we were married he has not provided me with a living and I have been obliged to work ~~and~~ out and support myself and buy any clothes my child had to wear. At times I have been so sick from overwork and under-nourishment, due to his lack of providing, that I have been under the doctor's care. When I have been sick, he would do nothing for me, and altogether my life with him has been most miserable.
- Q. Have you given the Defendant any cause or occasion for his ill treatment of you?
- A. I have ~~not~~. All the time I lived with him I made him a good wife, making a home for him, working in the house and also outdoors, taking care of my boy, and have acted toward my husband as a faithful and dutiful wife. When he was sick I nursed him, and brought him through two serious illnesses, once with typhoid fever. I also helped to support the home by my work for other people and have done everything in my power to make a home.
- Q. Do you wish to have the custody of your boy, Robert Blakeley, awarded to you?
- A. Yes; I have taken care of him almost entirely since he was born and have the wish and the ability to continue to do so.
- Q. Do you desire the restoration of your maiden name of Ethel Smith?
- A. Yes.

Ethel Smith Hill

Alice M. Smith, being called as a witness for the Plaintiff testified as follows, in response to interrogatories:

Q. What is your name, age and residence?

A. Alice M. Smith, 68 years, Fairhope, Alabama.

Q. How long have you known the Complainant, Ethel Smith Hill?

A. All of her life, over thirty five years; she is my daughter.

Q. When did she marry the Defendant Herbert H. Hill?

A. About twelve or thirteen years ago?

Q. Is Ethel Smith Hill a resident of Baldwin county, Ala?

A. Yes.

Q. What can you say as to the treatment of Complainant by the Respondent Herbert H. Hill?

A. Soon after they were married the Defendant commenced to ill-treat her. A week after they were married, I was over at their house and saw him strike her with a big, long horse-whip. At other times and many times since then I have heard him call her vile names and swear at her. He has never provided her with enough food and part of the time has half-starved her. He was a man of violent and ungovernable temper and would fly into a rage at almost anything that displeased him. Many times during the years past I was afraid that he would kill her in one of his fits of temper.

Q. Has Complainant at all times been a good wife to Defendant?

A. Yes, she has made him a good home and taken care of him when he was sick, and made her own living a good part of the time too.

Alice M. Smith

Josephine A. Smith, being called as a witness for the Complainant, testified as follows in answer to interrogatories:

- Q. What is your name, age and residence?
- A. Josephine A. Smith, age 25 years, Fairhope, Ala.,
- Q. How long have you known Ethel Smith Hill and Herbert H. Hill?
- A. About twenty years, since I was a little girl.
- Q. How long has the Complainant lived in Baldwin county?
- A. Nearly eight years altogether.
- Q. When were Ethel Smith Hill and Herbert H. Hill married?
- A. In the summer of 1916, as I remember.
- Q. Have you known these parties most of the time since they were married?
- A. Yes, I have lived with them, off and on, a part of each year since they were married.
- Q. What can you say as to the treatment of Complainant by the Defendant?
- A. He has been very unkind and cruel to her many times when I was there, and would become very angry at little things, and would become so excited that he did not seem to know what he was doing. In these fits of passion, he would swear at her and call her vile names. In these repeats he seemed to be getting worse as time went by.
- Q. What can you say as to defendant's providing for his wife?
- A. He did not provide much for her in food and never seemed to want her to have much clothes. She worked a great deal of the time to support herself and their little boy.

Josephine A. Smith

STATE OF ALABAMA
COUNTY OF BALDWIN

IN CIRCUIT COURT
IN EQUITY

ETHEL SMITH HILL, Complainant,

vs.

HERBERT H. HILL, Defendant.

CERTIFICATE OF COMMISSIONER

I, G. E. Perkins, the Commissioner named in the attached commission, hereby certify that, in pursuance of said commission, I did, on Wednesday, December 18th, 1929, call and cause to come before me, at the office of Edward P. Totten, in the Bank of Fairhope Building, in the town of Fairhope, Baldwin county, Alabama, the said witnesses, Mrs. Ethel Smith Hill, Mrs. Alice M. Smith, Josephine A. Smith, and that the said witnesses, after having been first duly sworn, did testify in answer to oral interrogatories propounded to them by Edward P. Totten, Solicitor for Complainant, as set down above their signatures, and that the answers of said witnesses are set down as near as might be in their own language and they subscribed their names thereto in my presence after having read the same.

I further certify that I am neither of counsel or of kin to any of the parties to this suit and that I am in no manner interested in the result thereof.

Witness my hand this 18th day of December, 1929.



Commissioner.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To Hon.G.E.Perkins,

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

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

Ethel Smith Hill, _____ Complainant

and _____

Herbert H.Hill, _____

_____ Defendant,

on oath to be by you administered, upon _____ 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 _____ 16th _____ day of _____ December _____ 19 29

T.M. Robinson
REGISTER

COMMISSIONER'S FEE, \$ 5.00

WITNESS' FEES, \$ _____

STATE OF ALABAMA
COUNTY OF BALDWIN

IN CIRCUIT COURT
IN EQUITY

ETHEL SMITH HILL, Complainant,

vs.

BILL OF COMPLAINT FOR DIVORCE

HERBERT H. HILL, Defendant.

To the Honorable F. W. Hare, Judge of said Court:

Your Orator, Ethel Smith Hill, respectfully shows unto your Honor, as follows:

That your orator is now and, for more than two years next preceding the filing of this bill, has been an actual resident in good faith of the state of Alabama, in the county of Baldwin, and that the Defendant, Herbert H. Hill, is a non-resident of the state of Alabama, and is now a resident of the state of California at the town of Yorba Linda therein;

That your Orator and the Defendant intermarried on the 19th day of July, 1917, at the county of Baldwin, Alabama, and ever since have been and now are lawful wife and husband, and that they are each above the age of twenty one years;

That, beginning a few months after their marriage in July, 1917, and continuing down to the present time, the Defendant has been guilty of extreme cruelty to your Orator, in that the said Defendant has at various times and on frequent occasions committed actual violence upon her person, by striking her with his fist, and many times during the said period has applied vile and opprobrious ^{EPITHETS} toward your Orator; that the Defendant is a man of violent and ungovernable temper and by his frequent outbursts of passion has on several occasions injured her health and caused her to become ill, and that, by reason of the mental and physical suffering inflicted upon your orator by the Defendant and the apprehension of serious bodily injury, longer living with the Defendant has become unbearable;

That the Defendant is a strong, able-bodied man, well qualified to earn a good living for himself and family consisting of your orator and one son of the age of ten years, born of such marriage, but Defendant has almost wholly failed in that respect

and your Orator has been obliged, during most of the time since her marriage to Defendant, to support herself and her son by her own efforts and earnings;

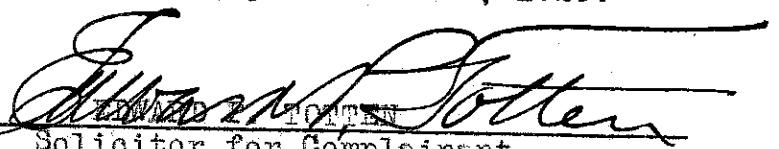
That your Orator has at all times demeaned and conducted herself properly and has always acted toward her said husband as a good, faithful and dutiful wife, and is entirely without fault in the premises; that she has given the Defendant no cause or provocation whatsoever for his acts of violence and cruelty towards her.

THE PREMISES CONSIDERED, your Orator respectfully prays that the Defendant, Herbert H. Hill, be made party respondent to this bill of complaint by the usual process of this Honorable Court and be required to demur, plead to or answer the same within the time and under the penalties as provided by law, or that the same be forever confessed.

PRAYER FOR RELIEF:

Wherefore, your Orator prays that, upon the final hearing of this cause, the bonds of matrimony now and heretofore subsisting between herself and Herbert H. Hill, the Defendant, be wholly dissolved and that she be granted an absolute divorce therefrom; that she be awarded the care and custody of their minor son, Robert Blakeley Hill; that she be allowed and decreed the restoration of her maiden name of Smith; and that your Orator may have such other and further relief as may to the Court seem just and equitable if she has in anywise prayed or asked amiss.

Dated at Fairhope, Alabama, this 25th day of October, 1929.


EDWARD P. TROTTER
Solicitor for Complainant

FOOTNOTE:

The Respondent above named is required to answer every allegation contained in the foregoing bill, but not under oath; answer under oath being hereby expressly waived.


EDWARD P. TROTTER
Solicitor for Complainant

(Fairhope, Ala.)

Ethel Smith Hill

vs.

No. 853

Herbert H. Hill

CIRCUIT COURT OF
Baldwin County.

IN EQUITY.

In this cause it being made to appear to the Register that on the 28th day of October 1929, a copy of the Bill of Complaint filed in this cause was sent to Herbert H. Hill

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 11th day of November 1929, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said

Herbert H. Hill Defendant

This the 16th day of December 1929.

J. W. Robinson Register.

LAW OFFICES OF
EDWARD P. TOTTEN
FAIRHOPE, ALABAMA

December 23rd, 1929.

Hon. TW Richerson,
Register of Circuit Court,
Bay Minette, Ala

Dear Mr. Richerson:-

In re. HILL vs. HILL
Equity No. 853

Decree, with bill of costs, in
above cause is received and I thank you for your very
prompt attention.

The decree, however, omits:

1. - awarding to the Complainant the custody of minor
child, Robert Blakeley Hill, and
2. - restoration of Complainant's maiden name of
Ethel Smith,

as prayed in the Bill filed and as suggested and
referred to in the testimony submitted.

Will you kindly have a decree
entered, as soon as possible, covering these two items
as prayed, and forward it to me.

Thanking you for your courtesy,
and extending to you the compliments of the season,
I am,

Yours very sincerely,


Edward P. Totten

T/LM

SERVE ON.....

**Circuit Court of Baldwin County
In Equity.**

No.

SUMMONS

Ethel Smith Hill

vs.

Herbert H. Hill

Edward P. Totten

Solicitor for Complainant

Recorded in Vol. Page

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Received in office this.....

day of 192.....

Sheriff.

Executed this..... day of

192.....

by leaving a copy of the within Summons with

Defendant,

Sheriff.

By

Deputy Sheriff.

*Copy of Summons
& Complaint
Registered Dept
Oct 28/1929*

*J. W. Minner
Registry
Return Receipt
Filed Nov 9 - 1929*

m RECORDED

No. 853

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
Baldwin County, Ala.

Ethel Smith Hill

vs

Herbert E. Hill,

DECREE OF DIVORCE

Filed in office this 21st

day of December, 19 29

T. W. [Signature]

Register.

E. O. M. _____

RECORDED

No. 853

**CIRCUIT COURT OF BALDWIN
COUNTY, ALA.**

In Equity.

Ethel Smith Hill

vs.

Herbert H. Hill

**Decree Pro Confesso After
Notice By Registered Mail.**

Filed in office this 16th day of

December, 1929

D. M. [Signature] Register

Entered in O. B. Page

NO. _____

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

Ethel Smith Hill

Complainant

vs.

Herbert H. Hill

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Hon. G. E. Perkins

WITNESSES:

Ethel Smith Hill

Josephine A. Smith

8581 NOTE OF TESTIMONY

Smith
Ethel/Hill

vs.

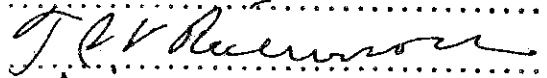
Ferbert H.Hill,

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... Ethel Smith Hill,
..Mrs. Alice Smith, Josephine A. Smith.....

and in behalf of Defendant upon.....



Register.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. Term, 1929.

ETHEL SMITH HILL, Complainant

vs.

HERBERT H. HILL, Defendant

To Hon. W. 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 Edward P. Totten

her 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.

December 19th, 1929.

Edward P. Totten
Solicitor for Complainant.

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

ETHEL SMITH HILL

VS.

HERBERT H. HILL

REQUEST FOR DECREE IN
VACATION

FILED..... December 20th..... 1929.

Register

Edward P. Totten,
Solicitor for Complainant,
(Fairhope, Ala.)

RECORDED IN RECORD

VOL..... PAGE.....

Register

RECORDED

No. 853 -----

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Ethel Smith Hill,

VS

Herbert Hill,

NOTE OF TESTIMONY

Filed in Open Court this 21st -----

day of December 1929 -----

T. W. Williams

Register

Post Office Department

GENERAL BUSINESS

REGISTERED MAIL

Info.

REGISTERED MAIL

Info.

Reference to

Street and Number, or
Post Office Box

Post Office at

1905-1907

96 376

State

REGISTERED MAIL

REGISTERED MAIL

CHARGE

REGISTERED MAIL

STATE OF ARIZONA

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature or name of addressee)

(Signature or name of agent)

Date of delivery, _____, 1902

Postpaid

POSTAGE WILL BE PAID BY ADDRESSEE

10-27-1902