

vs.
HILLIARD MIDDLETON

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 abandonment and cruelty

It is further ordered that the said ELODIE INEZ MIDDLETON 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 ELODIE INEZ MIDDLETON 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 be issued against the said HILLIARD MIDDLETON

It is further ordered, adjudged and decreed that said ELODIE INEZ MIDDLETON shall not again marry except to said HILLIARD MIDDLETON 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 HILLIARD MIDDLETON

during the said pendency of appeal

It is further ordered, adjudged and decreed that the said

Elodie Inez Middleton, shall have the care, custody and control of Thomas Elmer Middleton, a minor child, born of this marriage, four years of age.

This 20th day of

July 1933

A. 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 193 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 193

Register

ORDER

STATE OF ALABAMA,
WINN COUNTY

COURT, IN EQUITY
Winn County, Ala.

INEZ MIDDLETON

VS.

WARD MIDDLETON

E OF DIVORCE

this

193

REGISTER

Hilliard E Middleton, Respondent} In Equity . No -----

To the Honorable Francis W Here, Judge of the Twenty Second Judicial Circuit^t of Alabama, which includes Baldwin County :

Humbly complaining, Your Oratrix, Elodie Inez Middleton, respectfully represents unto your Honor as follows:-

1. Your Oratrix, Elodie Inez Middleton, and Hilliard E Middleton, the respondent, were legally married in Pensacola Florida on towit July 11th, 1928 and lived together as husband and wife until, towit, September 5th, 1929, when respondent's conduct towards her was so mean and his treatment of her was so cruel that she was forced to leave the respondent at said time and to live with her father, T.J. Phillips, at whose house she has lived ever since; that on the day she left the home of the respondent, Hilliard E Middleton, he cursed and threatened to beat her, which he had already done on occasions before this time and on this last occasion he left the house before ^{she} did ; he came back later and move^d all of his things from the house where ^{they} had been living, which was about two hundred yards from the house of her father. T.J Phillips . At this time he abandoned her without any just cause or excuse there for and has not since returned to live with her, but moved to the house where his mother lived about one half of a mile from his own place, where they had been living prior to their separation . That since said separation they have not lived together as husband and wife, which abandonment on part of the respondent was more than three years before the filing of the Bill of Complaint in this cause. Your Oratrix further states and alleges as acts of violence and cruelty on the part of respondent towards her, that about a week before they separated, respondent choked ^{her} so that she could not get up off the floor , where he had thrown her and ^{he} went off and left her lying there on the floor; that one, Earl Courtney, in passing came in and helped her and aided her in the absence of the respondent. That besides these acts of actual violence on her person, which endangered her health and life, he constantly abused and cursed ^{her} when he was drinking and he often came home under the influence of whiskey; that before she married him, the respondent was ^{not} addicted to the habit of drinking or getting drunk , but he became so addicted after they had married and while in this drunken condition he at one time was whipping their child, Thomas Elmer Middleton, because it was crying and then he struck her because she told him the child was too young to whip, but this was some

on her person she was forced to leave the home of respondent, said acts and threats were accompanied with danger to your Oratrix both to her life and health and at the first opportunity she had she left the defendant's house and went to live with her father, T. J. Phillips as stated above, on towit Sept. 5th, 1929 and where she has resided ever since. That since said time, the respondent has not contributed in any wise to the support of either herself or her child.

2. Your Oratrix further alleges that she and her husband the respondent are both over the age of twenty one years and are both residents of Baldwin County in the state of Alabama and have been so for the past two years and more; that they both now reside near Loxley in said county, which is their post office and residence now, he residing with his mother and your Oratrix residing with her father; that your Oratrix has been a bona fide citizen of the state of Alabama for more than three years prior to the filing of the Bill of Complaint in this cause. Wherefore, Your Oratrix prays that your Honor will decree that the bonds ^{of matrimony} between herself and the respondent be now dissolved and that the custody of the minor child, Thomas Elmer Middleton, be awarded to your Oratrix.

Your Oratrix further prays that the respondent, Hilliard E Middleton, by proper process of this Honorable court be brought before this Honorable Court and directed to answer the charges herein made against him under the rules of this court; that he may be made a party defendant or respondent to this Bill of Complaint and that upon a final hearing of the evidence, your Honor will order, adjudge and decree that the bonds of matrimony heretofore existing between your Oratrix and the respondent, the said Liliard E Middleton be forever dissolved and that your Oratrix be permitted to marry again and that she be granted such other and further relief as may in equity and good conscience seem proper and meet to your Honor.

And your Oratrix will ever pray etc.

S. Jenkins

Foot Note:

Solicitor for the Complainant

The respondent is required to answer each and every paragraph of the foregoing Bill from 1 to 2 inclusive, but his answer under oath is hereby expressly waived.

S. Jenkins

Solicitor for the Complainant.

Original Bill No. 1119

RECORDED
Eveline Grey Middleton
vs Compliments

William E. Middleton
Respondent

Filed June 19th 1933
D. J. McInnis
Register

Comes, Hilliard E Middleton, the person named as respondent or defendant in the above stated cause and for answer to the complaint or Bill of Complaint herein says: He denies each and every allegation of the Bill of complaint and therein contained and demands strict proof of the same, except he admits that he and Elodie Inez Middleton, nee Elodie Inez Phillips, were lawfully married in the state of Florida and city of Pensacola and that they are both now over the age of twenty one years and are both now residents of Baldwin County, Alabama. He, also, waives service by the sheriff of a subpoena or summons on said Bill of complaint filed in said cause, a copy of the interrogatories that may be filed in the cause and waives the right to cross the same and waives notice of the time and place of the taking of the evidence in the cause either on oral examination of witnesses or on interrogatories filed for that purpose and the right to cross them and he consents that the cause may be submitted in vacation to the Circuit judge for a decree in vacation on note of testimony to be taken and made by the register.

Dated, June 20th 1933

Executed in the presence of

S. Jenkins
Ida M. Turnbull

Hilliard E. Middleton

No. 1119.

Elodie Inez Middleton

vs.

Hilliard E. Middleton

Answer of Dft

Filed June 20th/933

T. H. Richardson

Elodie Inez Middleton

COMPLAINANT

VS.

Hillary E. Middleton

RESPONDENT

I, W.R. Stuart

as Register and Commissioner

of Baldwin Co., Alabama

have called and caused to come before me Elodie Inez Middleton, T.J. Phillips,
and Malissie Loyd.

witnesses named in the Requirement for Oral Examination, on the 13th day of July
1933, at the office of W.R. Stuart, Register and Clerk
in Baldwin Co., Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Elodie Inez Middleton

T.J. Phillips, Malissie Loyd doth depose and say as follows: Said Elodie Inez

Middleton doth depose and say as follows:

Deposition of Elodie Inez Middleton

My name is Elodie Inez Middleton, and I am the complainant in this case. Hillary E Middleton and myself ~~lived together as man and wife~~ were married at Pensacola Fla., on July 11th 1928, and we lived together as husband and wife until Sept 5th 1929, at which time we were living we were living three miles east of Loxley, Baldwin Co., Ala., and at that time he abandoned me and moved his household things to his mother, Ada Middleton's home, and since that time I have lived with my father, T.J. Phillips.

The abandonment on the part of the respondent was without any cause or legal excuse, thereof. This abandonment of your complainant by the respondent occurred more than three years before the filing of of bill in this cause. I have been a resident of Baldwin Co., Ala., all my life, and I am now a resident of Loxley of said Baldwin Co., and I am twenty one years of age, and my husband is twenty four years of age, and he also is a resident of Loxley, Baldwin Co., Alabama, and since said abandonment your complainant, the said Hillary E. Middleton has not lived with complainant and refuses to have marital relations with complainant. And since ~~and~~ said abandonment of complainant by respondent, he has not contributed and money or supplies to complainants support, and none for the support of her minor child, Thomas Elmer Middleton, age four years last March. The complainant has supported ^{with} her own labor, and the help of her father, T.J. ~~PHILLIPS~~, with whom she and her child now resides.

That before he abandoned her, respondent's conduct became so mean and cruel to her that she was forced to leave him on first opportunity, which she did and went to her fathers' home.

His acts of violence and cruelty to her, were actual acts committed on her person which threatened her health and life. He constantly abused me when drinking, and had a habit of coming home drunk and mistreating me. He did not drink until we were married but acquired the habit after we were married.

About a week before he abandoned me, he beat me and choked me down on the floor where I remained in a semi-conscious state

until I was relieved by a passer-by, Mr Earle Courtney, who came to my assistance. Before that ~~she~~trucked me with his fist in the face and on the head. Another time, he made threats of beating me and threats of violence, and it is on these threats and acts of violence upon my person that I went to live with my father, T.J. Phillips, which was Sept. 5th 1929, and from which time we have not lived together as man and wife.

Elodie Inez Middleton

Malissie Loyd a witness for the complaintant doth depose and say:

Deposition Of Malissie Loyd.

My name is Malissie Loyd and I live in Loxley, Baldwin Co., Ala. and live about one mile and a quarter from where ~~Mr~~ Mr and Mrs Hillary E Middleton lived in Sept 1929.

I know both of them and they are both over twenty one years of age, and live in Baldwin County Ala. I know when they were married and my husband went with them to Pensacola Fla., to get married. Hillary E Middleton abandoned Elodie Inez Middleton on Sept 5th 1929, and I know that he went to live ^{with} mother, Ada Middleton, and has not lived with his wife Elodie Inez Middleton since that time and when respondent abandoned Elodie Inez Middleton she went to live with her father taking with her her infant child, Thomas Elmer Middleton.

This abandonment of complaintant by respondent was without just cause or legal excuse, and I know that he mistreated her cruelly, and I saw signs where he had beaten and ckoked her.

Malissie Loyd.

T.J. Phillips a witness for complaintant having been legally sworn doth depose and say as follows:

Deposition of T.J. Phillips

My name is T.J. Phillips. I am the father of the complaintant, Elodie Inez Middleton, who with her child now resides with me at my home at Loxley, Ala. in Baldwin County.

I remember when my daughter Elodie Inez Middleton married Hillary E Middleton, and I went to Pensacola Fla with then when they got married on July 11th 1928. I know that they lived together as man and wife up until Sept 5th 1929.

When said Hillary E Middleton abandoned Elodie Inez Middleton she came to my home to reside. The abandonment of Elodie Inez Middleton by the respondent Hillary E Middleton was with out just cause. In fact before the respondent abandoned the complaintant he treated her mean and cruel. When she visited my home at times she would be ~~pry~~ crying, and I could see where she had been beaten and possibly choked. I did not see the respondent strike her, but I do know that he has not contributed a thing to her support since he abandoned her.

On To-wit Sept 5th 1929, and they have not lived together as man and wife since.

T.J. Phillips

ORAL EXAMINATION

I, W.R. Stuart, as Register and Commissioner hereby certify that the foregoing deposition^s 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 W.R. Stuart and O.W. Byrne 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 13th day of July 1933 19__.

W.R. Stuart (L. S.)
By Byrne

No. _____ Page _____

The State of Alabama BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Flodie Inez Middleton
COMPLAINANT
VS.

Hillary E. Middleton
RESPONDENT

ORAL DEPOSITION

Filed July 13th, 1933

W.R. Stuart Register
RECORDED IN B.B.

_____, Record

Vol. _____ Page _____

_____, Register

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Hilliard E. Middleton

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

Elodie Inez Middleton

against said

Hilliard E. Middleton

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 20th day of

June, 1933.

T. W. Richerson Register

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

Wiggins
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RECORDED

Court of Baldwin County
 In Equity

No. _____

SUMMONS

Inez Middleton

vs.

Harold E. Middleton

S. C. Jenkins
 Solicitor for Complainant

in Vol. _____ Page _____

THE STATE OF ALABAMA,
 BALDWIN COUNTY

Received in office this _____

day of _____ 19____

Sheriff.

Executed this 2nd day of

August 1933

by leaving a copy of the within Summons with

Summons with

Harold E. Middleton

Defendant.

W R Stewart

Sheriff.

By _____

Deputy Sheriff.

RECORDED
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CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

Elodie Inez Middleton

Complainant

vs.

Hillary E. Middleton

Defendant

In Equity.

The Complainant

requests the oral examination of the following named witnesses, on behalf of the

Complainant

viz:

Elodie Inez Middleton, Malissie Loyd, T.J. Phillips.

said witnesses reside in the County of Baldwin, State of Alabama.

State of Alabama.

who resides at

or, The Register of this Court is suggested as a suitable person to be appointed Commissioner to take the deposition of said witness on such oral examination.

Solicitor for

Complainant

RECORDED

**CIRCUIT COURT OF
Baldwin County, Alabama**

IN EQUITY

Elodie Inez Middleton

Complainant..

vs.

Hillary E. Middleton

Defendant..

DEMAND FOR ORAL EXAMINATION

Filed

July

19*23*

W R Stuart

Register.

Moore Printing Co.

Bay Minette, Ala.