

215

THE STATE OF ALABAMA, BALDWIN COUNTY.

IN CIRCUIT COURT, IN EQUITY.

Leila Harville Complainant vs. Hilary Harville Defendant

Oral examination before the Register of the following witnesses:

Leila Harville and Annie Blackmon and W. C. Beebe

who reside in Alabama, said examination being conducted in Bay Minette, Alabama, on this the 16th day of December, and there being present

Handwritten signature: H. W. Woomer, Atty for Plff.

The said Leila Harvil being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

My name is Leila Harville. I have lived in Baldwin County Alabama all my life. I lived at Stockton, Alabama at the time this bill for divorce was filed and am living at Bay Minette, in said County at present. I am over the age of twenty-one years of age. Hilary Harville is a resident of Baldwin County, Alabama, residing at Dyas, Alabama, and is over the age of twenty-one years.

About the year 1911 Hilary Harville and myself were married and lived together as man and wife until, to-wit: About the month of October, 1919, at which time the said Hilary Harville threatened me by saying that he would beat hell out of me. That prior to this time Hilary Harville beat me up and endangered my health and life. My face was bloody and I was beat

all over my body. From his conduct I was afraid he would repeat the act and I was forced to leave him in order to protect myself as I was afraid he would ~~injure my life~~ permanently injure me and endanger my health and life. We have two children living and they are at my mothers and being taken care of by my mother and father and are receiving good attention. I assist them in supporting them in every way I can.

Leila Harville

Sworn and subscribed to before me this 16th day of December, 1920.

D. W. Rice  
Register

My name is Annie Blackmon. I know Leila Harville. She is my sister. I lived near Leila Harville and Hilary Harville and Hilary Harville abused and mistreated Leila Harville a number of times. I saw them when Hilary Harville was attempting to whip Leila Harville. He struck her several times with his fist bruising her face and striking her on top of her head. He constantly threatened her and her health and life was in danger while living with Hilary Harville. Both of them live in Baldwin County, Alabama, and Leila Harville lives at Bay Minette, Alabama. They are not living together now.

Annie Blackmon

Sworn and subscribed to before me this 16th day of December, 1920.

D. W. Rice  
Register

W.C. Beebe being duly sworn deposes and says that he is a practicing attorney at the Bay Minette, Alabama bar. That fifty dollars is a reasonable attorneys fee in this cause.

W. C. Beebe

I, W. M. Ricumson, as Register

hereby certify that the foregoing deposition..... on oral examination ..... taken down by me in writing in the words of the witnesses and read over to them and they signed the same in the presence of myself, at the time and place herein mentioned; that I have personal knowledge of the personal identity of the said witnesses, or had proof made before me of the identity of 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 the Register of said Court, and placed the same on file in my office.

Given under my hand and seal this the 16th day of December, 1920

W. M. Ricumson (L. S.)  
Register

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....

REGISTER'S FEES.

.....	days at \$1.50 per day.....	\$.....
.....	words at 20 cents per hundred.....	\$.....

No. \_\_\_\_\_ Page \_\_\_\_\_

**The State of Alabama,**

\_\_\_\_\_ COUNTY.

**IN CIRCUIT COURT, IN EQUITY.**

*Lilla Harville*

vs. Complainant,

*William Harville*

Defendant.

**Deposition Taken Before Register on Oral Examination.**

Deposition of *Witness*

for *Complainant*

Filed *16* day of *Dec*, 19*20*

Published by order of the Court, *Agreement of Counsel*

day of \_\_\_\_\_, 19\_\_\_\_

*J. W. Keenan*  
Register.

**RECORDED**

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

CIRCUIT COURT, IN EQUITY.

Leila Harville, Complainant---vs Hilary Harville, Defendant.

This cause, coming on to be heard at this term, was submitted upon the Bill of Complaint, Decree pro confesso, Testimony of Leila Harville, Annie Blackmon and W. C. Beebe 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 her said bill of complaint as amended.

IT IS THEREFORE, Ordered, adjudged and decreed by the Court, that the bonds of matrimony heretofore existing between the Complainant and the Defendant be and the same are hereby dissolved, and the said Leila Harville is forever divorced from the said Hilary Harville for and on account of cruelty, as alleged in said bill of complaint.

It is further ordered and decreed that the said Hilary Harville pay into this court to the Register an attorneys fee of Fifty and 00/100 Dollars.

It is further ordered that the said Leila Harville be and she is hereby permitted to again contract marriage upon the payment of the cost in this cause.

It is further ordered that the said Hilary Harville pay the cost herein taxed for which let execution issue and if such execution is returned "no property" found then execution for such cost may issue against Leila Harville, and the said Fifty Dollars is hereby made a part of this cost for which let execution issue.

It is further ordered, adjudged and decreed that the said Leila Harville shall not again marry except to the said Hilary Harville until sixty days after this date shall have expired, and that if an appeal is taken within sixty days she shall not marry again except to Hilary Harville during the pendency of said appeal.

Dated this 21st day of December, 1920.

*John D. Leigh*  
Circuit Clerk

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.....Hilary Harville,

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.....

Leila Harville,

against said .....

*Hilary Harville*  
Hilary Harville,

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 9th, day of January,

1920. ---191---

*T. W. Richerson*

Register.

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

*Original 2nd*

Copy

Serve/on William Harville, Dyas, Ala.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

No. ....

SUMMONS.

Leila Harville,

vs.

*Henry*  
William Harville,

Pagen- and Moorer.

Solicitor for Complainant.

Recorded in Vol. .... Page .....

Received in office this 9th

day of January, 1920 191

*W. R. Stewart*  
Sheriff.

Executed this 27 day of

*January* 19120

by leaving a copy of the within Summons with

*Henry Harville*

Defendant

*W. R. Stewart*  
Sheriff

By .....

Deputy Sheriff.

RECORDED

AFTER FIVE DAYS RETURN TO  
T. W. RICHESON  
CLERK OF THE CIRCUIT COURT AND  
REGISTER IN CHANCERY  
BAY MINETTE, ALA.



T. W. Richerson,  
Bay Minette, Alabama.



Leila Harville, Complainant.

vs.

Hilary Harville, Defendant.

THE STATE OF ALABAMA,

Baldwin COUNTY.

CIRCUIT COURT OF

Baldwin COUNTY,

IN EQUITY.

In this cause it being made to appear to the Court that a Summons was served upon the Defendant.....

Hilary Harville

by the Sheriff of Baldwin County, on the 23rd day of

January, 1920, requiring him to appear and plead, answer or demur to the

Bill of Complaint in his cause within thirty days from the service of said Summons, and the said Defendant.....

having failed to plead, answer or demur to the said Bill to the date hereof. It is now, therefore, on motion of

Complainant, 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 Hilary Harville

Defendant aforesaid.

This 1st day of November, 1920.

T. W. Beckman  
Register Judge of the Circuit Court of  
Baldwin County.

3rd

No. ....

IN EQUITY.

CIRCUIT COURT OF

..... COUNTY,

vs.

DECREE OF PRO CONFESSO.

Filed in office this 1st day of

Nov

1920

T. W. Pearson

Register.

E. O. M. ....

RECORDED

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

}

CIRCUIT COURT, IN EQUITY.

No. .... Term, 191.....

Beila Harville

Complainant.....

vs.

Hilary Harville

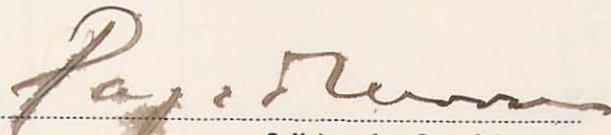
Defendant.....

To P. 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 Page & Moorer

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.



Solicitor for Complainant.

5-

No. .... Page .....

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

vs.

REQUEST FOR DECREE IN  
VACATION.

Filed Dec 20th 20 191

*D. W. Riccione*

Register

Recorded in ..... Record

Vol. .... Page .....

Register

RECORDED

44-1-20  
1910

Leila Harville,

Complainant.

vs.

Hilary Harville,

Defendant.

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, .....

testimony of Leila Harville, Annie Blackmon and W. C. Bebe

and in behalf of Defendant upon..... ----no testimony---

*W. W. Dickerson*

Register

6-

No. ....

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

vs.

NOTE OF TESTIMONY.

Filed in Open Court this Dec 20th

day of ..... 1917

J. M. McNamee

Register

RECORDED

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

IN THE CIRCUIT COURT,  
BALDWIN COUNTY, ALA.  
In Equity.

TO THE HONORABLE, JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT,  
BALDWIN COUNTY, ALABAMA,---In Equity.

Your Oratrix, Leila Harville, respectfully represents and shows unto your Honor as follows:

FIRST:

That she is a bona fide resident citizen of the County of Baldwin and State of Alabama, residing at Stockton, Alabama. That she has resided in Baldwin County her entire life, and that she is over the age of twenty-one years of age.

That Hilary Harville is a resident of Baldwin County, Alabama, residing at Dyas, Alabama, and is over the age of twenty-one years of age.

SECOND.

That about the year 1911 your Oratrix and the said Hilary Harville were married and lived together as man and wife until, to-wit: About the month of October, 1919 at which time the said Hilary Harville threatened your Oratrix thereby forcing her to leave in order to protect herself. That the said Hilary Harville prior to this time had committed actual violence on the person of your Oratrix by striking her with a stick and that the said act was attended with danger to the life or health of your Oratrix, and that from the conduct of the said Hilary Harville your Oratrix had reasonable apprehension of such violence at the time of the alleged separation.

THIRD.

That there was born to your Oratrix and the said Hilary Harville two children of the age of to-wit: Seven and four years, both boys. Your Oratrix further shows unto this court that the said Hilary Harville is not a suitable and proper person to have the custody and control and rearing of said children, and that he is a man of a nervous disposition and is a habitual user of profanity; that your Oratrix

is a suitable and proper person to have the custody, control and rearing of said children; that your Oratrix is making approximately Thirty-five (\$35.00) per month and has a home provided for her, and that she can care for the said children with her earnings and a reasonable allowance from the said Hilary Harville, the father of the said children, for support of the said children.

#### FOURTH.

Your Oratrix is informed and believes and on such information and belief alleges and states the truth to be that the said Hilary Harville is the owner of the following described real estate in the County of Baldwin and State of Alabama as follows:

The Northwest quarter of the Northwest quarter, Section Thirty-six, Township One North, Range Three East, containing forty acres more or less.

That the said Hilary Harville is now employed and is working at Dyas Station, Alabama, earning sufficient means to care for and support your Oratrix and said two children and that the said Hilary Harville refuses to contribute to the support of your Oratrix and the said children.

#### PRAYER FOR PROCESS.

The premises considered, your Oratrix respectfully prays that the said Hilary Harville be made party respondent to this bill of complaint by the usual process of this Honorable court, and that he 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.

That upon the final hearing of this cause your Honor will grant unto your Oratrix an absolute divorce from the said Hilary Harville.

That your Honor will make and enter a decree, allowing this Complainant alimony pendente lite, reasonable attorneys fees pendente lite, permanent Attorneys fees and permanent alimony out of the estate of the said Hilary Harville.



That your Honor will make and enter and order and decree, awarding the custody of the two children, the said minors, to this Complainant, your Oratrix.

That, if your Oratrix is mistaken in the relief above prayed for that your Honor will grant unto her such other, further, different and general relief as in justice and equity she may be entitled to receive, she will ever pray, etc.

P A G E & M O O R E R ,

Solicitors for Complainant.

FOOT NOTE:

The Respondent, Hilary Harville, is required to answer each and every ~~paragraph~~ allegation of the foregoing Bill of Complaint from "FIRST" to Fourt, both inclusive, but not under oath, answer under oath being hereby expressly waived.

P A G E & M O O R E R ,

Solicitors for Complainant.

LEILA HARVILLE, )  
Complainant. )  
vs )  
HILARY HARVILLE, )  
Defendant. )

Circuit Court, Baldwin County,  
Alabama, -----In Equity.

Comes the Complainant, Leila Harville, by her attorneys, Page & Moorer and leave of the court first had and obtained amends the Original Bill filed in the above styled cause by striking the third and fourth paragraph thereof.

PAGE & MOORER,  
Solicitors for Complainant.