

256

ROACH & McCONNELL
LAWYERS
617-618-619 CITY BANK BUILDING
MOBILE, ALA.

R. PERCY ROACH
ROBERT H. McCONNELL

Aug. 24th, 1920.

Mr T.W. Richerson, Register,
Bayminette, Ala.,

Dera Sir,

We send you for filing a bill of complaint in the case of Viola Parker vs Pearl Parker. We ask that you send the process to us and we will direct the sheriff as to where to find the Respondent. The costs in the case, we believe will be paid promptly when final decree is rendered.

Thanking you for prompt attention as usual, we are

Yours truly,

Roach & McConnell.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

No. 256.

CIRCUIT COURT, IN EQUITY.

Viola Parker,

Complainant.....

vs.
Pearl Parker,

Defendant.....

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, ~~decreed pro confesso~~
answer of Respondent,

and 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.....

her..... 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 said.....

Viola Parker,

is forever divorced from the said

Pearl Parker,

for and on account of

Abandonment. And the Courts hereby

awards to Complainant the Custody and
Control of the five children born to
Complainant by Respondent

as alleged in said Bill of Complaint;

It is further ordered, that the said Viola Parker,

be, and she 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 Viola Parker,

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 Pearl Parker,

It is further ordered, adjudged and decreed that said Viola Parker

shall not again marry except to said Pearl Parker

until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except

to said Pearl Parker, during the pendency of said appeal.

This 27th day of November 1920-19--

John D. Leigh
Judge of the Circuit Court of Baldwin County.

No. 256.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.
BALDWIN COUNTY, ALA.

Viola Parker,

vs.

Pearl Parker,

DECREE OF DIVORCE.

Filed in office this 29th

day of November 1920

J. M. Rice

Register.

E. O. M.

Recorded
on minute

ROACH & McCONNELL
LAWYERS
617-618-619 CITY BANK BUILDING
MOBILE, ALA.

R. PERCY ROACH
ROBERT H. McCONNELL

Sept. 28, 1920.

Mr. T. W. Richardson,
Bay Minette, Ala.

Dear Sir:-

VIOLA PARKER VS. PEARL PARKER.

We are enclosing request for oral examination
of witnesses in the above case, which please file at once, and
send commission to us, that we may deliver it to the commissioner.

Yours truly,

ROACH & McCONNELL,

By R. P. Roach
, *lp*

The State of Alabama, ~~Mobile~~ County

VIOLA PARKER, Complainant

BALDWIN

Circuit Court of ~~Mobile~~ County

No.

vs.

PEARL PARKER, Defendant

IN EQUITY

The Complainant

requests the oral examination of the following named witness

- on **her** behalf, viz.:
- Mary Rhodes,
 - Betty Savage.
 - VIOLA PARKER.

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

Kate C. Cuthbert,

who reside at Mobile, Alabama,

is suggested as a suitable person to be appointed Commissioner to take the deposition of said
witnesses on such oral examination

Roach & McComness

Solicitor for Complainant.

No.

**Circuit Court of Baldwin
Mobile County**
Bay Minette, Alabama

IN EQUITY

VIOLA PARKER,

VS.

PEARL PARKER,

Demand for Oral Examination

Filed *Sept 29th* 19 *20*

J. M. [Signature]
Register

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

VIOLA PARKER, COMPLAINANT,
VS
PEARL PARKER, RESPONDENT.

To the HON. JOHN D LEIGH, CIRCUIT JUDGE SITTING IN EQUITY:-

The Complainant, Viola Parker, who files this bill of complaint against Pearl Parker, respectfully shows as follows:-

First, The Complainant is over the age of twenty one years, and resides now and has for more than five years resided at Fairhope in Baldwin County, Alabama, and the Respondent Pearl Parker, so complainant is informed and alleges, resides in Mobile County, Alabama, and he is over the age of twenty one years.

Second, The Complainant further alleges that she and the Respondent were married to each other about ten years ago, and lived together in the relation of Husband and wife for to wit: five years, and that they so lived together for that time in the State of Alabama. That there are five children born to Complainant by Respondent.

Third, Complainant further alleges that on to wit:-the 27th day of December, 1915, the Respondent voluntarily abandoned this Complainant while complainant and respondent were living in Fairhope Baldwin County, Alabama, and such abandonment took place there, and Respondent has not lived with nor cohabited with this Complainant since such abandonment.

Fourth, Complainant further alleges that Respondent since his abandonment of this Complainant, has lived in adultery with a certain woman whose name is unknown to Complainant, and this Complainant is informed and so charges that respondent is now living in adultery with said woman.

Wherefore Complainant prays that the court grant her a decree of absolute divorce from the respondent, and award to Complainant the custody and control of the said children of the marriage, and grant to complainant such other relief as she may show that she should have

Complainant prays that Respondent be made a party to this suit

and to that end that process issue out of this Honorable Court,
directed to the said Respondent Pearl Parker, commanding him to
plead answer or demur to this bill of complaint within the time
prescribed by law, and in default thereof that a decree pro con-
fesso be rendered against him.

And as in duty bound the complainant will ever pray etc.

Rocher McConnell
Solicitors for the Complainant.

Foot Note. The Respondent is required to answer this bill from Par-
agraph one to Paragraph four inclusive, but not under oath, as an-
swer under oath is hereby expressly waived.

Rocher McConnell
Solicitors for Complainant.

Viola Parker

vs.

Pearl Parker

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,

*Assess of Debt and Testimony of
Mary Blossie Betty Savage and
Viola Parker Witness for Complainant*

and in behalf of Defendant upon

J. W. Richardson

Register

5- R
No. 256

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Viola Parker

vs.

Pearl Parker

NOTE OF TESTIMONY.

Filed in Open Court this

1900

day of

Oct

1912

D. M. Williamson

Register

Waiver of Notice.

STATE OF ALABAMA,
BALDIN COUNTY.

In the Circuit Court, in Equity.

Viola Parker,
Complainant,)
Vs.)
Pearl Parker,)
Respondent.)

Viola Parker
Pearl Parker

The respondent hereby waives notice of demand for oral examination of witnesses, waives notice of such examination, and waives the right to be present at such examination, and waives all other rights to notices of further proceedings in this cause, and hereby consents to a hearing of this cause in vacation or in term time, and for a decree in vacation or in term time, as may be moved for by the complainant.

Exhibit
1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

Witness my hand this the 22nd day of September, 1920.

Pearl Parker

Respondent.

Witness
H. C. Crickert

Answer of respondent.

STATE OF ALABAMA,
COUNTY OF BALDWIN.

IN THE CIRCUIT COURT IN EQUITY.

Viola Parker,
Complainant,

Vs.

Pearl Parker,
Respondent.

Comes the respondent, Pearl Parker, and answering the bill of complaint heretofore filed against him in this cause, says:

- 1st. He admits the allegations of the first paragraph.
- 2nd. He admits the allegations of the second paragraph.
- 3rd. This respondent denies the allegations of the third paragraph
- 4th. This respondent denies the allegations of the fourth paragraph of said bill.

Now having answered the said bill of complaint, this respondent prays to be discharged with his reasonable costs in this behalf expended.

Witness
H. C. Lusk, best

Pearl Parker
Respondent.

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 Pearl Parker

of Mobile, 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

Viola Parker,

against said

Pearl Parker

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 26th day of August

1920.

T. W. Richerson

Register.

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

Original 2 R

Serve on _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Viola Parker,

vs.

Pearl Parker

Roach & Mc Connell,
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

I accept service
of this summons
and waive further
process. This the
Sept. 18. 1920.

Pearl Parker

Respondent
witness
R.P. Roach.

ROACH & McCONNELL
LAWYERS
617-618-619 CITY BANK BUILDING
MOBILE, ALA.

Due

Mr. T. W. Richerson,
Bay Minette,
Ala.

*Filed
Oct 27th/20
T. W. Richerson
Reg. over
at 4/6/20
T. W. Richerson
Commissioner*

Kate C. Cuthbert,
Commissioner,



Viola Parker,
vs.
Pearl Parker.
Depositions of Mary Rhodes, Betty Savage
and Viola Parker, witnesses for the com-
plainant.

The State of Alabama,)

CIRCUIT COURT.

Baldwin COUNTY.)

Equity Division.

To Kate C Cuthbert,

or such of you as may act herein, of Mobile, County, State of Alabama, Greeting:

KNOW YE, That we, reposing confidence in your integrity, skill, and ability have appointed you Commissioners to take the testimony of

Mary Rhodes, Betty Savage, Viola Parker,

material witness^{es} in a suit now pending in our Circuit Court of Baldwin County, wherein

Viola Parker,

Plaintiff, and

Pearl Parker,

Defendant, and we hereby authorize and empower you to call and cause to come before you Mary Rhodes, Betty Savage, Viola Parker,

the said witness^{es} and their deposition on the Holy Evangelists to take, as well for the Complainant, touching their knowledge of the matters and things in controversy in said suit, which deposition, when so taken, shall be signed by said witness^{es} and certified by such of you Commissioners as may act herein; and you are further commanded, the deposition, when so taken, with this commission, to return under your hands and seals to the Clerk of said Court, with all convenient speed, and any one or more of you Commissioners, are authorized to act alone in the premises.

Witness my hand, this 29th day of September, 1920, 191-

Witness' Fees, - - - \$

Commissioners' Fees, \$ 5.00

J. W. Ricard Clerk.

No.
The State of Alabama,
 Baldwin County.

CIRCUIT COURT,
 Equity DIVISION.

Viola Parker,
 vs. Plaintiff,
 Pearl Parker,
 Defendant.

COMMISSION TO TAKE DEPOSITION ON SET
 INTERROGATORIES.
Oral Deposition

Issued this 29th day of
 Sept, 1920, 191
M. P. Rhodes Clerk.

WITNESSES:
 Mary Rhodes,
 Betty Savage,
 Viola Parker.

MARSHALL & BRUCE CO., NASHVILLE

DIRECTIONS:

TO THE COMMISSIONERS IN EXECUTING AND RETURNING THE COMMISSION.

1. If the time and place of executing the commission are not named therein, the Commissioners will subpoena the witness to appear before them at such time and place as they may appoint, and administer the oath to witness.
2. Either the Commissioners, witness, or some impartial persons, must reduce the answer of witness to writing, as near as may be in the language of the witness.
3. State the caption of the cause at the beginning, and then the following heading or title:

By virtue of the Commission hereto annexed, issued from the office of the Clerk of the Circuit Court of _____ County, State of Alabama, we, the Commissioners therein named, have called and caused to come before us the said A B, the witness named in said commission, on this ____ day of _____ 191__, at the _____; and having duly cautioned and sworn the said witness to speak the truth, the whole truth, and nothing but the truth, A B, the said witness, deposeth and saith as follows:

First.—To first interrogatory he saith:
Second.—To second interrogatory he saith:
First.—To first cross-interrogatory he saith:

4. When the deposition is finished, it must be subscribed by the witness and certified as follows:

We, C D and E F, the Commissioners in said commission named, do hereby certify that the foregoing testimony and answers, taken down and written by us in the words of the witness, A B, were read over to him; that he assented, swore to, and subscribed the same in our presence, at the time and place herein mentioned: that we have personal knowledge of the personal identity of said witness [or, if unacquainted with the witness, that proof hath been made before us of the identity of the said witness]; that we are not of counsel or kin to either of the parties to said cause, nor interested in the event thereof. And we inclose the said testimony, together with said commission and the interrogatories, direct and cross, to the said Clerk of the Circuit Court whence the same emanated, as our full execution of said commission.

Given under our hands and seals, this ____ day of _____ 191__
 _____ [L. S.]
 _____ [L. S.]

Next unite the commissions, interrogatories, and answers together, with wafers or tape; second, envelope all, sealed with three seals; third, write each Commissioner's name across each seal; and, fourth, write on the envelope the names of the parties and witnesses, and direct it thus:

C D v. E F _____ DEPOSITION OF A B	To _____ Esq., CLERK OF THE CIRCUIT COURT. _____ _____ County, Ala.
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STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

Viola Parker,
Complainant,

Vs.

IN THE CIRCUIT COURT, IN EQUITY.

Pearl Parker,
Defendant.

Depositions of Mary Rhodes, Betty Savage and Viola
Parker, witnesses for the complainant, taken as set forth in the
Commissioner's certificate hereto attached.

witness for the complainant,

Mary Rhodes, being duly sworn, testified as follows:

My name is Mary Rhodes. I live at Fairhope, Alabama, and have lived there all my life. I know both the parties to this suit. I have been knowing Pearl Parker ever since he was a baby, and have been knowing Viola Parker ever since she and Pearl Parker married. Both are over the age of twenty-one years. Viola Parker has resided at Fairhope for seven or eight years, continuously. I do not know where Pearl Parker resides.

I do not know just how many years ago it was since Pearl Parker and Viola Parker were married to each other, but I do know that they were married and lived together in the relation of husband and wife for more than ^{twelve} ~~xxxx~~ years, but I do not know exactly how many years they lived together. They were five children born to complainant by respondent.

The respondent, Pearl Parker, went off and abandoned Viola Parker some years ago, and my best recollection is that it was about the latter part of December, 1915. I know that it has been four or five years ago. The respondent, Pearl Parker, went on off and left her voluntarily and of his own free will. I was living right close by her and knew when he left, and know that she did nothing to drive him off. I knew of no fight or disturbance among them. Pearl Parker and Viola Parker were residing when he left her, just below Fairhope on the road leading to Battles, in Baldwin County, Alabama, and that was where the abandonment of her by him took place. He has never returned nor lived with the complainant since the time above stated, when he abandoned her.

This is all that I know about the case, except that I do know that Viola has been supporting and taking care of those children ~~xxxxxxx~~ up to about two years ago when their grandmother took charge of some of the children and has been helping her with them.

Mary Rhodes

witness for the complainant,

Betty Savage/gaving been duly sworn, testified as follows:

My name is Betty Savage. I live at Fairhope, Alabama, and have lived there all my life. I have known both parties to this suit for ten years or longer. They were married to each other and lived together in the relation of husband and wife for a good many years. I know that they are separated now. The latter part of 1915, or 1916, I know that they separated. I knew about the separation at the time it occurred and know that Pearl Parker went off and left Viola Parker, and he has not been back to live with her since that time, to my knowledge. This separation occurred at their home near Fairhope in Baldwin County, Alabama, and Viola is still living at Fairhope. I do not know where Pearl Parker lives. I have been informed that he is living in Mobile, and living with another woman, but personally I do not know anything about this.

Betty Savage

witness for the complainant,
Viola Parker, having been duly sworn, testified as follows:

My name is Viola Parker. I reside in Fairhope, Alabama, and have resided there about fifteen years. I am over the age of twenty-one years. I do not know of my own knowledge where Pearl Parker, the respondent in this case resides. I know that he is over twenty-one years of age. Pearl Parker and I were married to each other over ten years ago, and we lived together in the relation of husband and wife from the time we were married in the date above named up to December 27th, 1915. We lived at Fairhope, Alabama. There were six children born to me by respondent, and five of them are still living.

Pearl Parker and myself are not living together now. He went away and left me on December 27, 1915. He went of his own free will and accord. He did not tell me he was going and he did not tell me where he was going. He has never come back to live with me, nor has he lived with me since that time, and we have not lived together as husband and wife since the date above named. I did nothing to cause him to leave.

I do not know where the complainant now resides, but have been reliably informed that he lives in Mobile with another woman. As far as I know he may claim he has some kind of a divorce, but I have never heard of him getting one.

I want the custody and care of the children awarded to me, and ask the court to order their care and custody to me.

Viola^{hus} Parker
mark

Witness

S. L. Grubbs

COMMISSIONER'S CERTIFICATE.

I hereby certify that under and pursuant to the annexed commission I caused the witnesses for the complainant, Mary Rhodes, Betty Savage and Viola Parker, to come before me at the offices of Messrs Roach & McConnell, 617 City Bank Building, Mobile, Alabama, on the 12th day of October, 1920, at the hour of eleven o'clock, A. M., That the witnesses were made known to me, and were by me duly sworn according to law. That the witnesses testified as set forth in the depositions herewith returned, and that their testimony was by me reduced to writing as near as might be in their own language. That the testimony of said witnesses was read over to them, respectively, and was signed by them in my presence.

I further certify that I am not of counsel or of kin to either party ~~to either party~~ to this cause, nor am I in anywise interested in the result of the suit.

Witness my hand and seal this the 12th day of October, 1920.

Kate L. Crabbert (Seal)