

301

Evelyn Capeheart,

vs.

Clayton Capeheart,

CIRCUIT COURT OF

Baldwin COUNTY.

IN EQUITY.

In this cause it being made to appear to the Register that on the 10th day of

February 1921, a copy of the Bill of Complaint filed in this cause was sent to

Clayton Capeheart,

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 9th day of

March 1921, 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

Clayton Capeheart, Defendant.

This the 11th day of April, 1921.

*[Handwritten Signature]*

Register.

772 No. 301

CIRCUIT COURT OF

Baldwin COUNTY,

IN EQUITY.

Evley Popelvent

vs.

Blayton Popelvent

DECREE PRO CONFESSO AFTER  
NOTICE BY REGISTERED MAIL.

Filed in office this 11<sup>th</sup> day of

April 1921

D. M. Keenan  
Register.

Entered in O. B. Page

# RETURN RECEIPT

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

*Filed*  
*Mar 9/21*  
*J. W. Keith*  
*Register*  
Clayton Caphar

(Signature or name of addressee.)

Mrs O. R. Keith S. S.

(Signature of addressee's agent.)

Date of delivery, *Mar 7,* 19*21*

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 810

INSURED PARCEL

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



PENALTY FOR PRIVATE USE  
TO AVOID PAYMENT OF  
POSTAGE, \$300

POSTMARK OF DELIVERING  
OFFICE  
HELP PREVENT FIRES  
IN THE MOUNTAINS

AND DATE OF DELIVERY

Return to J. W. Dickerson  
(NAME OF SENDER)

Street and Number, }  
or Post Office Box, }

Post Office at \_\_\_\_\_

State Ala.

Evelyn Capehart

vs.

Clayton Capehart,

CIRCUIT COURT OF

Baldwin COUNTY.

IN EQUITY.

I, T.W. Richerson, Register of said Court, do hereby certify that I

did, on the 10th, day of February, 1921, send to

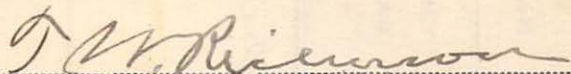
Clayton Capehart, Defendant.

whose address was Asheville, N.C.

by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," a copy of the Bill of Complaint filed in this cause; that I demanded a return receipt addressed to the Register of this Court; and that such

receipt was duly received and filed by me in this cause, on the 9th day of March 1921.

Witness my hand, this 9th day of March 1921.



Register.

No. 301

CIRCUIT COURT OF  
BALDWIN COUNTY.  
IN EQUITY.

*Ernest Cephart*

vs.

*Clayton Cephart*

CERTIFICATE OF REGISTER AS TO NOTICE  
BY REGISTERED MAIL.

Filed in office on this *9th*

day of *March* 192*1*

*J. N. Richmond*

Register.

RECORDED

RECORDED

The State of Alabama, }  
Baldwin County.

No. 301. CIRCUIT COURT, IN EQUITY

Evelyn Capeheart, Complainant

vs.

Clayton Capeheart, 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.

*Substantial drunkenness after marriage*

It is further ordered, that the said Evelyn Capeheart, 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 Evelyn Capeheart, 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 Clayton Capeheart,

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

This 21<sup>st</sup> day of October 1921

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

THE 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 \_\_\_\_\_, 1921, 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 \_\_\_\_\_, 1921

Register.

No. 301.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.  
BALDWIN COUNTY, ALA.

Evelyn Capeheart,

Vs.

Clayton Capeheart,

DECREE OF DIVORCE.

Filed in office this 21<sup>st</sup>

day of October, 1921

J. P. McKeever

Register.

E. O. M.

RECORDED

Faint, illegible text from the reverse side of the document, including the words "THE STATE OF ALABAMA" and "BALDWIN COUNTY" visible through the paper.



TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT  
COURT OF BALDWIN COUNTY: SITTING IN EQUITY:

Comes EVELYN CAPEHART, and by this, her bill of complaint,  
presented against CLAYTON CAPEHART respectfully shows:

FIRST: that she and the Defendant are both over the age  
of eighteen years, and she is now, and has been for more than  
one year prior to this date, bona fide a resident of the County  
of Baldwin, State of Alabama. The Defendant is now in the State  
Prison at Ashville, North Carolina.

SECOND: that she and the Defendant were lawfully married  
at Greenville, South Carolina on the 7th, day of August 1919,  
and for some time, thereafter, lived together as man and wife.

THIRD: that soon after marriage Complainant learned that  
her said husband was addicted to the excessive use of alcoholic  
liquors, and soon developed into an habitual drunkard, spending  
his money and time in drinking, and with loose and dissolute  
companions.

FOURTH: that since marriage the Defendant has repeatedly  
unfaithful to his marriage vows, but the details of his acts of  
immorality are personally unknown to Complainant, who has never  
condoned same.

THE PREMISES CONSIDERED, Complainant prays that your  
Honor take jurisdiction over the cause here made; that by  
appropriate process of publication or notice CLAYTON CAPEHART  
be made a party defendant and required to answer this bill of  
complaint within the time required by law.

Complainant further prays that upon hearing of this  
cause a decree be rendered dissolving the bonds of matrimony  
now existing between Complainant and Clayton Capehart, granting  
her the right to resume her maiden name of Matheson, the  
right to marry again, should sh so desire, and such other  
or different relief as to equity may seem meet.

And Complainant, as in duty bound will ever pray, etc.

*R. A. Glushko*  
*Richard B. Bube*  
Solicitors for Complainant

The Defendant is required to answer all allegations of the foregoing bill, but oath to such answer is hereby waived.

*R. A. Glushko*  
*Richard B. Bube*  
Solicitors for Complainant

BOND

W. M. J. E. R. M. I. L. L.

STATE OF ALABAMA

COUNTY OF BALDWIN

BEFORE ME, the undersigned Notary, personally appeared this day Evelyn Capehart, who being first duly sworn, says: that Clayton Capehart, the Defendant in the foregoing bill of complaint, is over the age of twenty-one years, and a non-resident of Alabama, being now undergoing imprisonment in the State Prison, at Ashville, North Carolina, and that his address is, in care of the Warden of that prison, so that serving process by publication or registered mail is required to give legal notice to said Defendant.

Evelyn Capehart

Subscribed and sworn to before me this the 2nd day of February, 1921.

George W. Wood

Notary Public, Baldwin County, Ala.

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 Clayton Capohart,

of Ashville, N.C. 8000 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

Evelyn Capohart,

against said

Clayton Capohart,

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 February, 1921.

*T. W. Richerson*

Register.

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

*Copey*

Serve on .....

Circuit Court of Baldwin County  
In Equity

No. ....

SUMMONS

*Evelyn Capelant*

vs.

*Clayton Capelant*

*Richard V. Beebe*  
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

*W. G. ...*

No. -- \_\_\_\_\_

Evelyn Capeheart  
Complainant

Vs.

EQUITY  
IN THE CIRCUIT  
COURT of  
BALDWIN CO., ALA.

Clayton Capeheart  
Defendant

Depositions of

Evelyn Capeheart  
Bertha Mathison.

Hon. Thomas W. Richerson,  
Register Circuit Court,  
Bayminette, Alabama.

*Filed Sept 3<sup>rd</sup> / 21*  
*T. W. Richerson*  
*Register*

E. J. Grove  

---

Commissioner.

Ed Gray  
Commissioner

Ed Gray  
Commissioner

Ed Gray  
Commissioner

J. A. LYERLY

SHERIFF OF BUNCOMBE COUNTY

OFFICE IN COURT HOUSE

OFFICE PHONE 309

JAIL PHONE 175

Deputies

H. T. DILLINGHAM

H. D. DUCKETT

MRS. O. R. KEITH, Desk Sergeant

SID JOYCE, Jailer

*Asheville, N. C.*

March 10, 1921

T. W. Richerson.

Clerk of Circuit Court and

Register in Charge.

Bay Minnette Ala.

Dear Sir;

Enclosed please find papers marked March 7, 1921  
this man escaped from our convict camp some months ago, and  
has not been captured

"e are very sorry that we can't serve papers.  
as well as I remember the attorney in ask that papers be returned  
to them.

But letter it seems has been misplaced and don't  
remember the names. So I am returning same to you, knowing that  
they will ~~be~~ be properly delivered hoping that we may be  
able to serve you at your convenience.

Yours very truly,

J. A. LYERLY.

SHERIFF OF BUNCOMBE COUNTY, N. C.



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 Clayton Capehart,

of Ashville, N.C. ~~County~~, to be and appear before the Judge of the Circuit Court of Bald-

win 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

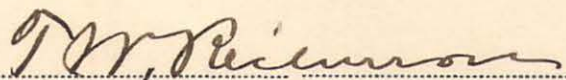
Evelyn Capehart,

against said Clayton Capehart,

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 February,

192 1.



Register.

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

*Original*

Serve on \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity

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

SUMMONS

*Levelyn Caphart*

vs.

*Clayton Caphart*

*Peckarby Beeper*

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

*Feb 10th 1921,  
Summons copy of  
Bill sent by Reg-mail  
to Dept. <sup>at</sup> Ashville N.C.*

*Miss [unclear]*

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT  
COURT OF BALDWIN COUNTY: SITTING IN EQUITY:

Comes EVELYN CAPEHART, and by this, her bill of complaint,  
presented against CLAYTON CAPEHART respectfully shows:

FIRST: that she <sup>is</sup> ~~and the Defendant~~ are both over the age  
of ~~eighteen~~ years, and she is now, and has been for more than  
one year prior to this date, bona fide a resident of the County  
*is over the age of 71 years,*  
of Baldwin, State of Alabama. The Defendant <sup>is</sup> now in the State  
Prison at Ashville, North Carolina.

SECOND: that she and the Defendant were lawfully married  
at Greenville, ~~North~~ <sup>South</sup> Carolina on the 7th., day of August 1919,  
and for some time, thereafter, lived together as man and wife.

THIRD: that soon after marriage Complainant learned that  
her said husband was addicted to the excessive use of alcoholic  
liquors, and soon developed into an habitual drunkard, spending  
his money and time in drinking, and with loose and dissolute  
companions.

FOURTH: that since marriage the Defendant has repeatedly been  
unfaithful to his marriage vows, but the details of his acts of  
immorality are personally unknown to Complainant, who has never  
condoned same.

THE PREMISES CONSIDERED, Complainant prays that your  
Honor take jurisdiction over the cause here made; that by appropriate  
process of publication or notice CLAYTON CAPEHART be made a  
party defendant and required to answer this bill of complaint  
within the time required by law.

Complainant further prays that upon the hearing of this  
cause a decree be rendered dissolving the bonds of matrimony now  
existing between Complainant and Clayton Capehart, granting her

the right to resume her maiden name of Matheson, the right to marry again, should she so desire, and such other or different relief as to equity may seem meet.

And Complainant, as in duty bound, will ever pray, ect.

*E. J. Clark*  
*Rickaby & Beebe*  
Solicitors for Complainant.

The Defendant is required to answer all allegations of the foregoing bill, but oath to such answer is hereby waived.

*E. J. Clark*  
*Rickaby & Beebe*  
Solicitors for Complainant.

STATE OF ALABAMA  
COUNTY OF BALDWIN

BEFORE ME, the undersigned Notary, personally appeared this day Evelyn Capehart , who being first duly sworn says: that Clayton Capehart, the Defendant in the foregoing bill of complaint, is over the age of twenty-one years, and a non-resident of Alabama, being now undergoing imprisonment in the State Prison, at Ashville, North Carolina, and that his address is, in care of the Warden of that prison, so that serving process by publication or registered mail is required to give legal notice to said Defendant.

Evelyn Capehart.

Subscribed and sworn to before me this the *2d* day of February, 1921.

*George W. Woods*

Notary Public, Baldwin County, Ala.



Asheville, N.C,

March, 12, 192

Mr Elliott, G?Rickarby,

In Answer To Your Letter Which I  
Recived Yesterday From my mother concerning a divorce for  
my wife mrs Evelyn Capehart Iam perfectly willing for her to  
have her freedom as far as iam concerned ,

Ihave no objections to make what ever against her  
geting a divorce , But i wish to in form you that iwill not  
pay any alimony lawyer fees or court cost what ever,

Would thank you very much if you would send  
me an affidavit to the effect that she has the divorce  
when she gets it ,

I am very sorry in deed that we could not get  
a long throy life asi dont think that i could  
ever live amaried life with an other woman

I reamin Resp. Yours.

*Chas. H. Capehart*

*Complainant*

Evelyn Capeheart,  
Complainant

vs

Clayton Capeheart,  
Defendant

*22  
29  
1921*

RECORDED

Circuit Court Baldwin County, Alabama.

In Equity

*Case*  
Comes the Complainant in the above styled and makes  
this application for oral examination of Evelyn Capeheart and  
Bertha Mathison, witnesses for complainant.

And complainant suggest E. J. Grove of Mobile, Alabama,  
as a suitable person for appointment as commissioner.

This twenty-sixth day of August, 1921.

*Richard & Beebe*  
Solicitors for Complainant.

RECORDED

EVELYN CAPEHART,  
Complainant

Vs.

IN EQUITY  
IN CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

CLAYTON CAPEHART,  
Defendant

DEPOSITIONS OF EVELYN CAPEHART AND BERTHA WHEELER,  
WITNESSES FOR COMPLAINANT IN ABOVE ENTITLED CAUSE.

The said witnesses appeared before me, the undersigned commissioner at the times and places hereinafter stated and having been duly sworn, upon examination by counsel, testified as is hereinafter set forth.

E V E L Y N     C A P E H A R T

I am the complainant in this cause and reside at Fairhope, Baldwin County, Alabama, where I have lived as a bona fide resident for more than a ~~year~~ before this bill was filed. On August 7th, 1919, I was married to Clayton Capehart who is now over the age of twenty-one years and is in prison in Buncombe County, North Carolina, serving a two year's sentence for forgery. Our married life together was but a few months as I soon found that my husband was a drunkard and would <sup>not</sup> work and support me, spending his time with people of bad reputation so I left him and came home to my mother in Fairhope where I have since lived.

We had not been married long before I began to suspect that that my husband was untrue to me. I knew that he was running with men and women of loose character and suspected one girl who boarded in the same house that we did. She pretended to be friendly with me and i would go into her room. One time I went in there when she was out and saw things by which I learned that she was suffering from some venereal disease and when I mentioned this to the land-lady she told me that such was the fact and that she was going to get this girl out of the house. Just about this time, one day when I had company to see me, unknown to her, I saw her wink or make some sign to my husband and then leave where we were all together. Shortly after, he made some exes



cuse to get away and after a little I went to this girl's room and entered without knocking and found my husband in the room with her. I did not see anything at the time other than the fact that a married man has no business in a bedroom with a woman not his wife, but shortly after I developed a trouble and at once when I went to a Doctor he told me that I had the same disease that this other girl had. He treated me for this promptly and I have since recovered, but I left my husband and have not been back to him since. He also got into trouble about this time and was tried in Ashville, N. C. for forgery where he was convicted and when I last heard, he was in a chain-gang in that county, working on the road. He admitted to me almost in so many words, that he had been guilty of adultery with other women, after I found out that I was infected and was ready to leave him. I have also been told by others that he was carrying on with others and particularly with the girl I suspected, but this was after we broke up. This affair happened in Ashville, N. C. where we were living after our marriage. After I became certain of his misbehavior, I did not condone it in any way, but came home to my mother as soon as I could get the money to come and have been living in Fairhope ever since, now more than a year ago. He has done nothing for my support and I am dependant upon my mother and what little I can earn myself, for a living.

*Evelyn Capehart*

DEPOSITION OF MRS. BERTHA MATHESON.

My name is Mrs. Bertha Matheson. I am the mother of the complainant who is twenty years of age and whose home is with me in Fairhope. She was married to Clayton Capehart in 1919 but did not live with him long as he proved to be a worthless profligate who deserted his wife and was unfaithful to her. I know about my daughter contracting a venereal disease from her husband for as soon as she learned she was infected she wrote me and I sent money to her husband to send <sup>them both</sup> her home. She did not come so I went after her and learned that Clayton Capehart had spent the money and said nothing to her of it. When I got there the grocery bill and rent were unpaid and he had left. I found my daughter being treated for this disease and her landlady confirmed to me what my daughter has testified to about Clayton's criminal intimacy with the other girl and her being diseased. The other girl had been put out of the house just before I got there. This landlady knew more than my daughter did about Clayton's behavior and knew it to be a fact that he was unfaithful to his wife not only with this girl I speak of but with other women. I brought my daughter and her baby home with me and she has not seen her husband since.

Mrs. Bertha Matheson

I, E. J. Grove, the commissioner named in the foregoing commission which issued out of the equity side of the Circuit Court of Baldwin County, do hereby certify that in a certain cause pending in said court wherein Evelyn Capeheart is complainant, and Clayton Capeheart defendant, under and by virtue of the power conferred upon me by said commission, I caused Evelyn Capeheart and Bertha Matheson who are known to me, and known by me to be the identical witnesses named in the commission to come before me at 1008 Van Antwerp Bldg., Mobile, Alabama on the 29th day of August where, after they had first been duly sworn by me, they were examined by counsel for complainant, and their testimony was by me reduced to writing as near as might be in the language of the witness, and after being transcribed was read over by me to them who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to any parties of the cause or in anywise interested in the result thereof.

Witness my hand this twenty-ninth day of August, 1921

E. J. Grove  
Commissioner.



THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

To E J Grome, of Mobile, Alabama,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commissioners, and by these presents do authorize you, or any one or more of you, at such time and place as you may appoint,

to call before you and examine Evelyn Capeheart and Bertha Mathison

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

Evelyn Capeheart is

Complainant

and Clayton Capeheart is

Respondent,

on oath to be by you administered, upon interrogatories as well for complainant and defendant to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 29 day of August 1921

J. W. Rice

Register.

DIRECTIONS FOR EXAMINATION OF WITNESSES UPON INTERROGATORIES.

1. If the time and place of executing the Commission are named therein, or in a notice appended thereto, the testimony must be taken at the time and place designated; if no time and place are designated, the Commissioners will call the witness before them at such time and place as they may appoint, and administer to him an oath to speak the truth, the whole truth, and nothing but the truth, in answer to the interrogatories to be propounded to him. The time and place of examining witnesses should be stated in the caption of the deposition.

2. The caption and deposition should be as follows:

THE STATE OF ALABAMA, }  
 .....County. }

Deposition of Richard Howe, a witness sworn (or affirmed, as the case may be) on the.....day of.....19....., at.....in said State and County, under and by virtue of a commission issued out of the.....

Court of.....in a certain cause therein pending between James Jones, the plaintiff (or complainant), and Samuel Young, defendant (or respondent). The said Richard Howe, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, doth depose and say as follows:

To the first interrogatory he saith: (Here write the answer of the witness as nearly as may be in the language of the witness, using the first person where he uses it).

To the second direct interrogatory he saith: (Write the answer to this interrogatory, and all others, as directed above).

If there are cross or rebutting interrogatories, go through with them in the same manner, thus:

To the first cross interrogatory he saith, etc.

To the second cross interrogatory he saith, etc.

To the first rebutting interrogatory he saith, etc.

Neither party should be permitted to put to the witness, during his examination, any verbal question or suggestion; and if anything of the kind is done by either party, the Commissioner should write it down in the deposition just as it occurred.

The testimony may be written down by any one or more of the Commissioners, by the witness himself, or by any disinterested third party in the presence of the Commissioners, and be read over to the witness if he desire it, and must be subscribed by him.

3. The Commissioners must then add their certificate, as follows:

We, (or I, if only one acts), the undersigned, Commissioners in said commission named, hereby certify that we are not of counsel or of kin to any of the parties to this cause, nor in any manner interested in the result thereof; that we are personally acquainted with said witness, J———K———, and know him to be the identical person named in said commission (or have had proof made before us of the personal identity of the witness, and that he is the identical person named in said commission); that he was sworn and examined as above stated; and that his evidence was taken down, as near as might be, in his own language, and was subscribed by him in our presence on the.....day of.....19....., at the place above stated.

[L. S.]

[L. S.]

E. F.

G. H.

Commissioners.

If the Commissioners are not personally acquainted with the witness, they must have proof made before them that he is the identical person named in the commission, and so certify.

If the witness claims for his attendance, the Commissioners should state in their certificate the number of miles traveled, the number of days the witness attended, ferriage paid, if any, etc.

4. If any exhibits, writings, or papers are produced and used as evidence by the witness, they shall be annexed to the deposition to which they relate, and shall be identified by suitable letters or marks.

If the testimony cannot be taken in one day, the Commissioners, noting the same, may continue from day to day until completed.

5. The Commissioners will fold the depositions, commission, interrogatories, and exhibits, in a packet sealed with three seals. They will write their name or names across each seal, and direct thus:

A B

vs.

C D

Depositions of J K and L M

Mailed the.....day of.....19.....

E. F.

G. H.

To (give name and state of Clerk, Register, or Judge of Probate, as the case may be),

.....County, Alabama.

If sent by private conveyance, should be endorsed: "Forwarded by R A, the.....day of.....19...... The package must be delivered to the officer to whom it is directed. The person bringing the deposition will be required to take an oath that it has not been opened or altered since he received it.

The Commissioner must return the commission.

No. 2

THE STATE OF ALABAMA,

Barbour County.

CIRCUIT COURT, IN EQUITY.

Evelyn Copeland

Complainant.....

vs.

Clayton Copeland

Defendant.....

COMMISSION TO TAKE DEPOSITION ON INTERROGATORIES.

COMMISSIONERS: \*

E. J. Young

pre-50

WITNESSES: Not by us

Evelyn Copeland

Bertha Matheson

EVELYN CAPEHEART,  
Complainant.

VS

CLAYTON CAPEHEART  
Defendant.

EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Hon. Thomas W. Richerson,  
Bay Minette, Ala.

Sir:-

You are hereby requested to deliver all papers in above styled cause, together with note of evidence and this request, to the Honorable Judge of the Circuit Court, to whom the same has been assigned, with this as Complainant's request for submission and final decree in vacation, Defendant being in default.

Respectfully,

*Richerby & Beebe*  
Solicitors for Complainant.  
*per Richerby*

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EQUITY  
IN THE CIRCUIT COURT OF  
MOBILE COUNTY, ALABAMA.

EVELYN CAPEHEART  
Complainant

VS

CLAYTON CAPEHEART  
Defendant

Request for submission and  
decree in vacation.

Richarby & Beebe  
Solicitors for complainant.

*Filed Sept 3rd 1921*  
*J. W. [Signature]*  
*Register*

Evelyn Capeheart,

vs.

Clayton Capeheart,

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, answer of defendant and testimony of

Evelyn Capeheart, Bertha Mathison,

and in behalf of Defendant upon

*D. W. Reardon*

Register



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No. 301

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

*Evelyn Capelmont*

vs.

*Clayton Capelmont*

NOTE OF TESTIMONY.

Filed in Open Court this 6<sup>th</sup>

day of Sept 1921

*D. McKeown*

Register

EVELYN CAPEHART,  
Complainant

Vs.

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

CLAYTON CAPEHART,  
Respondent

Comes CLAYTON CAPEHART, Respondent in above styled  
cause and for answer says:

FIRST: He admits the allegations as to the names and  
ages and marriage of the parties.

SECOND: He denies all other material allegations of  
the bill.

Having thus fully answered, respondent prays that said  
cause be dismissed. Respondent further waives notice of the is-  
sue of commission to take complainant's testimony, of notice of  
time and place of examination and of the right to cross examine  
witnesses. He further waives right to introduce evidence in his  
own behalf and consents that the cause may be submitted for fi-  
nal decree without further notice to him upon the pleadings and  
complainant's evidence, whether in term time or in vacation.

*Clayton H. Capehart*  
Respondent

Executed in the presence of

*J. P. McCabe*