

581

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ELLA MAE LEIGH

Complainant

vs.

WILLARD LEIGH

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on ANSWER & WAIVER and Testimony 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 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 that the said ELLA MAE LEIGH is forever divorced from the said

WILLARD LEIGH

for and on account of Cruelty

IT IS FURTHER ORDERED that the complainant be, and she hereby is, awarded the custody of the three minor children, viz: John Leigh, Eugene Leigh and Max Leigh, subject to further orders of this Court;

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

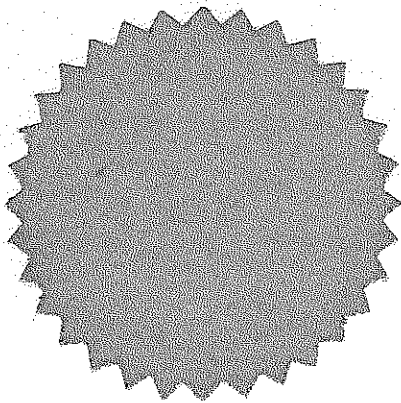
It is further ordered that ELLA MAE LEIGH and WILLARD LEIGH be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that ELLA MAE LEIGH the Complainant, pay the cost herein to be taxed, for which execution may issue.

This 11th day of May, 19 40

J. W. Hare
Judge Circuit Court, in Equity.

I, _____, Register of the Circuit Court for Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.



Witness my hand and seal this the _____ day of _____, 19 _____

Register of Circuit Court, in Equity.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO E. A. CRAMER

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

Ella May Leigh
James D. Leigh

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

ELLA MAY LEIGH

is Complainant

and WILLARD LEIGH

is Defendant,

on oath to be by you administered, upon them

to take and certify the deposition s of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 25th day of April, 19 40.

R. S. Duck

REGISTER

Commissioner's Fee \$

5.00 paid by Complainant

Witness' Fees, \$

TO THE HONORABLE F. W. HARE,
JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:
SITTING IN EQUITY:

Comes ELLA MAY LEIGH, and by this her Bill of Complaint presented against WILLARD LEIGH, respectfully shows:

FIRST: That she and the Defendant above named are over the age of twenty-one years and are now and have been for more than three years next prior to the filing of this bill, bona fide residents of the County of Baldwin, State of Alabama in which County they lived together as husband and wife since March 23rd 1932 on which date they were married in the city of Pensacola, up to their parting on December 20th, 1938, since which time they have lived apart in said County.

SECOND: That there was born of this marriage three sons, all of whom live with and are supported by Complainant and whose names and ages are, John, seven years, Eugene five years and Max, two years.

THIRD: That since said marriage the Defendant has become addicted to the excessive use of intoxicating liquor, under the influence of which he becomes quarrelsome, abusive and dangerous, threatening Complainant with serious injury to her person and possibly her life, and on at least one occasion, striking her, so that from his threats and violence she has reasonable cause to apprehend serious bodily harm. Because of such treatment and for fear for her life, Complainant was compelled to leave her husband and take refuge with her parents, with whom she now resides.

FOURTH: Complainant specifically charges the Defendant with striking her a violent blow in the face on July 4th, 1938 and because of this and his frequent threats and violent temper while drinking feels that to return to live with Defendant will be to seriously endanger her life and health and for this reason has left her said husband with her infant children and now seeks freedom from this peril.

THE PREMISES CONSIDERED, Complainant prays that the said Willard Leigh be made party defendant to this bill and by appropriate process be required to answer same within the time prescribed by law and to abide by such orders and decrees as shall be made in the premises.

COMPLAINANT FURTHER PRAYS that upon the hearing of this cause a

decree be rendered forever divorcing her from the said Willard Leigh, granting her the sole custody of the three children of the marriage, the right to marry again, should she so desire and such further, other or different relief as to equity may seem meet.


Solicitor for Complainant.

FOOT NOTE:

The defendant is required to answer each and every allegation contained in the foregoing bill of complaint, PARAGRAPHS FIRST to FOURTH inclusive, but not under oath, oath being hereby expressly waived.


Solicitor for Complainant.

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

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon
WILLARD LEIGH

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
ELLA MAY LEIGH

against said WILLARD LEIGH

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, R. S. Duck, Register of said Circuit Court, this 19th day of
October, 1939.

R. S. Duck, Register
By: Mrs. Alice Thompson, Deputy

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

ELLA MAY LEIGH,
Complainant,
vs.
WILLARD LEIGH,
Defendant.

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

Comes the defendant, Willard Leigh, and answering complainant's bill of complaint, says:

That the name of the said complainant and this defendant is correctly spelled "Lay".

That he denies each and every allegation of said bill of complaint, Paragraphs FIRST to FOURTH both inclusive, and demands strict proof of the same.

Becke Hall & Becke
Attorneys for Defendant.

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

Term, 1942

Edwin Mace High
vs.
Richard High

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1.00	Executing Writ of Injunction, or Ne Exeat, each.....	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impanelling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50		
Issuing Copies Thereof, each.....	.50	Total Sheriff's Fees.....	1.50
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*		
Order Appointing Guardian Ad Litem, each.....	1.00*	SUMMARY OF FEES, COSTS, AND JUDGMENT	
Issuing Commissions to Take Testimony, each.....	.50	Fees in Circuit Court—	
Taking Testimony, Per Day.....	1.50	Register's Fees.....	
Taking Testimony, Per 100 words.....	.20	Ex-Register's Fees.....	
Receiving and Filing Depositions, each pkg.,.....	.10	Sheriff's Fees.....	1.50
Indorsing Depositions Published, each pkg.....	.10	Ex-Sheriff's Fees.....	
All Entries on Commission Docket, Each Cause.....	.50	Witness Fees.....	
Entering Order Submitting Cases for Decree, each.....	.50	Commissioner's Fees.....	
Other Orders of Court, each.....	.25	Guardian Ad Litem.....	
Noting Testimony on Hearing of Cause, each.....	.50	Publisher's Fees.....	
Entering Decrees, of 500 Words of Less, each.....	.75	Solicitor's Fees.....	
Per 100 words over 500.....	.15	Court Reporter's Fees, Per Day or fraction thereof.....	5.00
Taking Accounts, etc., on Ref., per Day.....	3.00*	Trial Tax.....	3.00
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*	Fees and Costs in Inferior Court:	
Reports of 500 Words or Less.....	2.50	Clerk of Inferior Court Fees.....	
Per 100 Words over 500.....	.15	Sheriff's Fees.....	
Issuing Subpoenas for Witnesses, each.....	.25	Witness Fees.....	
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50	Total Fees and Costs in Inferior Court.....	9.12
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15	Total Fees and Costs.....	14.65
Hearing, etc., Regarding Appointment of Receiver or Trustee.....	3.00	Judgment.....	
Settlements with Receiver or Trustee, each.....	3.00	Total Fees, Costs, and Judgment.....	
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer.....	3.00		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....			
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales.....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each.....	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
Certificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
Total Register's Fees.....	4.15		

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: _____

Register Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____ 194_____

ATTEST: _____

Register Circuit Court, Baldwin County, Ala.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

vs. Plaintiff -----

Defendant -----

EQUITY COST BILL

Term, 19_____

Fee Book _____, Page _____

Plaintiff's Attorney,

Defendant's Attorney,

RECORDED

ELLA MAY LEIGH,
Complainant,

vs.

WILLARD LEIGH,
Defendant.

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

A N S W E R

Filed November 17, 1939.

R. S. Buck
Register.

RECORDED

Praguelin Springs
Serve On Willard Leigh

Circuit Court of Baldwin County
IN EQUITY

No. 581

Summons

ELLA MAY LEIGH
Complainant

VS.

WILLARD LEIGH,
Respondent.

Orvil S. M. Brown
Solicitor for Complainant

Recorded in Vol. _____ Page _____

11/11/1938

THE STATE OF ALABAMA,
Baldwin County

Received in office this 19th

day of Oct, 1938

W. B. Stewart, Jr. Sheriff.

Executed this 19th day of October, 1938

by leaving a copy of the Summons with

Willard Leigh

Defendant

W. B. Stewart Sheriff

By John C. Brown Deputy Sheriff

RECORDED

NO. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ELLA MAY LEIGH

Complainant

VS.

WILLARD LEIGH

Defendant

Commission To Take Deposition

COMMISSIONER:

E. A. Cramer

Witnesses:

No. 581 Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

ELLA MAE LEIGH

Complainant,
vs. Complainant.

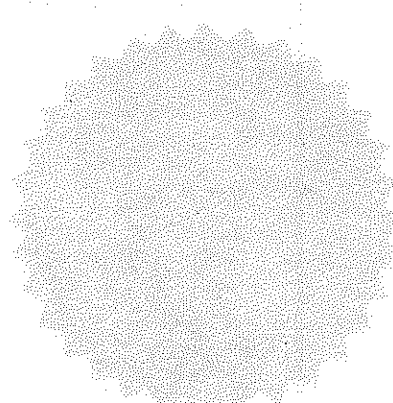
WILLIARD LEIGH,

Respondent.

DIVORCE DECREE

Filed this 13 day of May,
1940.

R. S. Dued
Register.



Bill of Complaint

RECORDED

Filed October 19, 1938
R. S. Ditch, Register
By - Wallace Hargrove, Deputy

Wm. H. Hargrove
Register of Deeds

THE STATE OF ALABAMA }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

ELLA MAY LEIGH

COMPLAINANT

VS.

WILLARD LEIGH

RESPONDENT

I, E. A. Cramer

as Register and Commissioner

have called and caused to come before me

Ella May Leigh and James D. Clay

witnesses named in the Requirement for Oral Examination, on the 29th day of April

1940, at the office of Capt. Joe Pose

in Fairhope, Alabama, and having first sworn said witnesses to speak the truth,

the whole truth, and nothing but the truth, the said witnesses

doth depose and say as follows:

My full name is Ella May Leigh. I am also known as Ella May Lay. I am 26 years of age. I reside in Fairhope, Alabama and have resided in Fairhope, continuously for 14 years. I was married to Willard Leigh at Pensacola, Florida, on March 23rd 1932. My husband and I lived together in Fairhope until December 20th 1938. I have three children, towit: John, aged 7 years, Willard E., aged 5 years and Max, aged 3 years. My children have lived with me since my husband and I separated and I have supported them since that date. For a period of about three years prior to our separation, my husband drank excessively and was drunk and helplessly under the influence of intoxicants three and four times a week regularly. During that period, he was very quarrelsome and abusive to me. Repeatedly, he threatened me with bodily injury and on July 4th 1938 he punched me in the face and knocked me down. He kept me in constant fear and for a long time, I was in fear of my life. He was cruel and abusive to our children during said period. I took my children, on December 20th 1938, and fled to the home of my parents. I did this because I was in fear of my life and was afraid for the safety of my children. My husband has never contributed toward the support of myself or my children since the date of our separation. I would be afraid to return to live with my husband, and feel that to do so would endanger my life and the lives of my children.

Ella May Leigh

ORAL EXAMINATION

I, E. A. Cramer, 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 and

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 29th day of April, 1940.

E. A. Cramer (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

ELLA MAY LEIGH Complainant

Vs.

WILLARD LEIGH

Respondent

ORAL DEPOSITION

Filed _____, 19____

Register _____

RECORDED IN

Record _____

Vol. _____ Page _____

Register _____

My name is James D. Clay. I live in Fairhope, Alabama and have resided in Fairhope for more than 12 years. I am the brother of Ella May Leigh. I have visited at the home of my sister and brother in law on numerous occasions up to December 20th 1938. I saw my brother in law several times during each week up to that date and I saw him very drunk a great many times. In fact, it seemed to me that he was always drunk. My sister seemed to be very unhappy toward the last and I suspected that something was very much wrong between her and her husband. I know that my sister left her husband with her children and went to live with my parents about a year and a half so and that she and the children have continued to live with my parents ever since. I know that my sister has not lived with her husband since the date of their separation which took place toward the last of 1938.

James D. Clay

ELLA MAY LEIGH

VS.

WILLARD LEIGH

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, _____

Personal service on Respondent, Answer by the Respondent, Testimony

of Ella Mae Leigh & James D. Clay;

and in behalf of Defendant upon **Answer**

R. S. Duck

Register.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 581 Spring Term, 1940

ELLA MAY LEIGH, Complainant

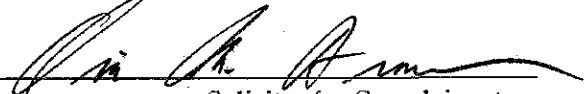
Vs.

WILLARD LEIGH, Defendant

To R. S. Duck, 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 Orvis M. Brown

_____ 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.

THE STATE OF ALABAMA,

CIRCUIT COURT, IN EQUITY.

BALDWIN

County.

No.

Term, 19

ELLA MAY LEIGH

Complainant

vs.

WILLARD LEIGH

Defendant

To Honorable W. C. Beebe, Attorney for Willard Leigh, Defendant.

of Bay Minette, Alabama

Solicitors of Record:

You are hereby notified that, having been appointed Commissioner to take the deposition of

Ella May Leigh
James B. Clay

witnesses for the Complainant in the above stated cause, I will commence
to take said deposition at the office of Capt. Joe Pose in Fairhope, Alabama at 2:00 o'clock P.M.,
on the 29th day of April 1940

Witness my hand, this 26th day of April 1940

E. A. Cramer

Commissioner

RECORDED

No. Page

THE STATE OF ALABAMA,

BALDWIN County.

CIRCUIT COURT, IN EQUITY.

TO:

HON. W. C. BEEBE

or
Solicitors.

NOTICE OF TIME AND PLACE TO
TAKE DEPOSITION.

Issued *May* 19

Commissioner.

I hereby certify that a copy of this

Notice was

to

on the day of 19

Commissioner.

RECORDED

No. _____ Page _____

The State of Alabama,
Baldwin County.
CIRCUIT COURT, IN EQUITY

ELLA MAY LEIGH

Vs.

WILLARD LEIGH

**REQUEST FOR DECREE IN
VACATION**

Filed May 10, 1940

R.S. Dush

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

2,522

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

ELLA MAY LEIGH

VS.

WILLARD LEIGH

NOTE OF TESTIMONY

Filed in Open Court this 10

day of May 19340

R.S. Duch

REGISTER

In matter of:
Ella May Leigh vs Willard Leigh
Depositions of Ella May Leigh and
James D. Clay.

Filed May 1, 1940
R. S. Duck, Register

Hon. R. S. Duck
Register, Circuit Court
Bay Minette, Alabama.

