

Handwritten scribbles at the top of the page.

OFFICES
RICKARBY
ALABAMA

116

ROBERT S. DUCK, Esq.,
Register Circuit Court,
Bay Minette, Alabama.

Witnesses.

Filed
February 25 1931
Robert S. Duck
Register

James Beckwith

James Beckwith

James Beckwith

116

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The State of Alabama, }
Baldwin County

CIRCUIT COURT

To G. Earle Perkins,

Fairhope, Alabama.

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 Willard Brown, and Carrie A. Jones

as witnesses in behalf of Complainant in a cause pending in our Circuit

Court of Baldwin County, of said State, wherein

Carrie A. Jones is Complainant

and

NO. _____

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

Carrie A. Jones

Complainant
vs.

Jesse L. Jones

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

G. Earle Perkins

WITNESSES:

Willard Brown,

Carrie A. Jones,

CARRIE ADEL JONES,
Complainant,

E Q U I T Y .

CIRCUIT COURT OF BALDWIN COUNTY.

vs

ALABAMA.

JESSE L. JONES,
Respondent.

THE DEPOSITIONS OF WILLARD BROWN AND CARRIE A. JONES, WITNESSES FOR COMPLAINANT IN ABOVE STYLED CAUSE.

The said witnesses, appearing before me at my office in Fairhope, being duly sworn, upon examination by Complainant's counsel, testified as is here set forth:

W I L L A R D B R O W N

I am a son of the complainant and was living with her and my step-father in the spring and summer of last year, 1934. He would get drunk and when he was drinking would curse and abuse her and threaten to hurt her. I did not see him strike her though until one night in the latter part of June when he came home drunk and after quarrelling and abusing my mother, struck her twice with his fist while she was sitting down and then he stabbed her through the left hand with his pocket knife. She was terrified as she thought that he would kill her and I ran off and got Jack Titus, the Town Marshall who took him away. Titus made Mr Jones promise to stay away and since that time he has not been living with my mother who has lived apart from him ever since. He is dangerous when he is drinking and if my mother had not left him he would have very likely done her serious harm.

Willard Wright Brown

CARRIE ADEL JONES.

I am the complainant in this cause. Both Jesse Jones and I are over the age of twenty-one years and residents of Baldwin County for more than five years past. We were married in November 1930 and lived together up to June 1934 when I left him because of his cruelty. He would get drunk and come home and threaten and

abuse me and I put up with it though I was in constant fear of him. One one night in the latter part of June of last year, 1934, he came home drunk and abusive and when I tried to get him not to take the car out, for I knew he was too drunk to drive, he struck me twice with his fist and then stabbed me through my left hand with his knife. I sent my son off for the Town Marshal and that gentleman, Mr Titus came and took him away and warned him to stay away and I have not let him come back since as I am afraid of him. He has hurt me seriously once and I fear he will kill me if I continue to live with him. Since that night in June I have had nothing to do with him and have lived separate and apart from him with my family.

3638

Carrie A. Jones

I, G.E. Perkins, the Commissioner named in the attached commission issued by the Circuit Court of Baldwin County in an Equity case pending therein wherein Carrie A. Jones is Complainant and Jesse L. Jones Respondent, under the power conferred on me by said commission caused Willard Brown and Carrie A. Jones, witnesses named therein, to come before me at My office in Fairhope where, after being sworn by me to tell the truth, upon examination by Elliott G. Rickarby, Solicitor for Complainant testified as is hereinbefore set out. I further certify that the testimony as given by them was, as near as might be in their identical language reduced to writing, read over by said witnesses and assented to and signed by them in my presence.

I further certify that I am not of counsel or of kin to either party to the cause or in any wise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as Commissioner this the 23rd day of February, 1935.

G. E. Perkins
Commissioner.

**CIRCUIT COURT, BALDWIN COUNTY, ALA.,
IN EQUITY.**

No. 116

Carrie A. Jones
VS
James L. Jones

PLAINTIFF
DEFENDANT

BILL OF COSTS

Fees of Register	Dollars	Cts.	Brought Forward		
Filing each bill and other papers.....	\$	10	For receiving, keeping and paying out or distributing money, etc.; 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.		3 80
Issuing each Subpoena.....		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per cent of amount received.		
Issuing each copy thereof.....		40	Each Notice Sent by Mail to creditors.....	15	
Entering each return thereof.....		15	Filing, Receiving for and Docketing each Claim, etc....	25	
For each Order of Publication.....	1	00	For all entries on Subpoena Docket, etc.....	50	
Issuing Writ of Injunction.....	1	50	For all entries on Commission Docket, etc.....	50	
For each copy thereof.....		50	Making Final Record, per hundred words.....	15	50
Entering each return thereof.....		15	Certified Copy of Decree.....	1 00	1 50
Issuing Writ of Attachment.....	1	00	Report of Divorce to State Health Office.....	50	1 00
Entering each return thereof.....		15	Acts 1915		50
Docketing each case.....	1	00	Total Fees of Register.....		7 30
Entering each Appearance.....		25			
Issuing each Decree Pro Confesso on personal service.....	1	00	Fees of Sheriff		
Issuing each Decree Pro Confesso on publication.....	1	00	Serving and Returning Subpoena on Deft.....	\$1 50	
Each order Appointing Guardian.....	1	00	Serving and Returning Subpoena for Witness.....	65	
Any other order by Register.....		50	Levyng Attachment.....	1 50	
Issuing Commission to Take Testimony.....		50	Entering and Returning same.....	25	
Receiving and Filing.....		10	Selling Property Attached.....		
Endorsing each package.....		10	Impaneling Jury.....	75	
Entering order Submitting Cause.....		50	Executing Writ of Possession.....	2 50	
Entering any other Order of Court.....		25	Collecting Execution for Costs.....	1 50	
Noting all Testimony.....		50	Serving and Returning Sci. fa., each.....	65	
Abstract of Cause, etc.....	1	00	Serving and Returning Notice.....	65	
Entering each Decree.....		75	Serving and Returning Writ of Injunction.....	1 50	
For every 100 words over 500.....		15	Serving and Returning Writ of Exeat.....	1 50	
Taking account, etc.....	3	00	Taking and Approving Bonds, Each.....	75	
Taking Testimony, etc.....		15	Collecting Money on Execution.....		
Each Report, 500 words or less.....	2	50	Making Deed.....	2 50	
For every 100 words over 500.....		15	Serving and Returning Application.....	1 00	
Amount claimed less than \$500, etc.....	2	00	Serving Attachment, Contempt of Court.....	1 50	
Issuing each Subpoena.....		25	Total Fees of Sheriff		
Witness Certificate, each.....		25			
Issuing Execution, each.....		75	Recapitulation		
Entering each return.....		15	Register's Fees.....		7 30
Taking and Approving Bond, each.....	1	00	Sheriff's Fees.....		2 50
Making copy of bill, etc.....		15	Commissioner's Fees.....		
Each notice not otherwise provided for.....		50	Solicitor's Fees.....		
Each certificate or affidavit, with seal.....		50	Witness Fees.....		
Each certificate or affidavit, no seal.....		25	Guardian Ad Litem.....		
Hearing and passing on application, etc.....	3	00	Printer's Fees.....		
Each settlement with receiver, etc.....	3	00	Trial Tax.....	3 00	3 00
Examining each voucher of receiver, etc.....		10	Recording Decree in Probate Court.....		
Examining each answer, etc.....	3	00	Total		12 80
Recording resignation, etc.....		75			
Entering each certificate to Supreme Court.....		50			
Taking questions and answers, etc.....		25			
For all other service relating to such proceedings.....	1	00			
For service in proceeding to relieve minors, etc same fee as in similar cases.					
Commission on sales, etc.: 1st \$100 2 per cent, all over \$100, and not exceeding \$1,000, 1 1-2 per ct.; all over \$1,000 and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.					
Sub Total Carried Forward					
	3	80			

Received payment this _____ day of _____ 1935

Register.

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Circuit Court, Baldwin County, Ala.
In Equity.

No. 116

Jones

vs.

Jones

Cost Bill

Paid _____, 193

Register

Moore Ptg. Co.

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Carrie A Jones

VS.

Jesse L Jones

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, *answer*
and waiver and complainant's depositions

and in behalf of Defendant upon

Robert S. Duck

Register.

Circuit Court, Baldwin County, Ala., IN EQUITY.

PLAINTIFF

VS.

DEFENDANT

BILL OF COST

	Dollars	Cts.		\$	Cts.
Fees of Register			AMOUNT BROUGHT FORWARD		
Filing each bill and other papers	\$	10	For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.		
Issuing each Subpoena		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.		
Issuing each copy thereof		40	Each Notice Sent by Mail to Creditors	15	
Entering each return thereof		15	Filing, Receipting for and Docketing each Claim, etc	25	
For each Order of Publication		1 00	For all entries on Subpoena Docket, etc.	50	
Issuing Writ of Injunction		1 50	For all entries on Commission Docket, etc.	50	
For each Copy thereof		50	Making Final Record, per hundred words	15	
Entering each return thereof		15	Certified Copy of Decree	1 00	
Issuing Writ of Attachment		1 00	Report of Divorce to State Health Office Acts 1915	50	
Entering each return thereof		15	Total Fees of Register		
Docketing each case		1 00	FEEES OF SHERIFF		
Entering each Appearance		25	Serving and Returning Subpoena on Deft.	\$1 50	
Issuing each Decree Pro Confesso on personal service		1 00	Serving and Returning Subpoena for Witness	65	
Issuing each Decree Pro Confesso on publication		1 00	Levying Attachment	3 00	
Each Order Appointing Guardian		1 00	Entering and Returning same	25	
Any other order by Register		50	Entering and Returning Execution	25	
Issuing Commission to Take Testimony		50	Selling Property Attached	25	
Receiving and Filing		10	Impanelling Jury	75	
Endorsing each package		10	Executing Writ of Possession	2 50	
Entering Order Submitting Cause		50	Collecting Execution for Costs	1 50	
Entering any other Order of Court		25	Serving and Returning Sci. Fa., each	65	
Noting all Testimony		50	Serving and Returning Notice	65	
Abstract of Cause, etc.		1 00	Serving and Returning Writ of Injunction	1 50	
Entering each Decree		75	Serving and Returning Writ of Exeat	1 50	
For Every Hundred Words Over Five Hundred		15	Taking and Approving Bonds, each	1 00	
Taking Account on Reference		3 00	Collecting Money on Execution		
Taking Testimony, etc.		15	Making Deed	2 50	
Each Report, Five Hundred Words or less		2 50	Serving and Returning Application	1 00	
For every Hundred Words Over Five Hundred		15	Serving Attachment, Contempt of Court	1 50	
Amount Claimed, Less than Five Hundred Dollars, etc.		2 00	TOTAL FEES OF SHERIFF		
Issuing each Subpoena		25	Recapitulation		
Witness Certificate, each		25	Register's Fees		
Issuing Execution, each		75	Sheriff's Fees		
Entering each Return		15	Commissioner's Fees		
Taking and Approving Bond, each		1 00	Solicitor's Fees		
Making Copy of Bill, etc.		15	Witness Fees		
Each notice not otherwise provided for		50	Guardian Ad Litem		
Each Certificate or Affidavit, with Seal		50	Printer's Fees		
Each Certificate or Affidavit, no Seal		25	Trial Tax	3 00	
Hearing and passing on application for Receiver or Trustee		3 00	Recording Decree in Probate Court		
Each Settlement with Receiver or Trustee		3 00	Total		
Examining each Voucher of Receiver or Trustee		10			
Examining each Answer on Exception		3 00			
Recording Resignation or Suggestion of Death of Trustee		75			
Entering each Certificate to Supreme Court		50			
Taking Questions and Answers, etc.		25			
For all other service relating to such proceedings		1 00			
For service in proceeding to relieve minors, etc. same fee as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward - - -					

Received payment this _____ day of _____ 193_____

Register.

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

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 Marvin O. Berglin,
Fairhope, Alabama.

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 Mary P. Berglin,

against said Marvin O. Berglin,

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, Robert S. Duck
~~Myrta Stone~~, Register of said Circuit Court, this 23rd day of February 193 5

Robert S. Duck Register

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

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

Now comes your complainant, Mary P. Berglin, and presents this her bill of complaint against Marvin O.

Berglin, and respectfully shows unto your Honor as follows:

That your complainant and the said Marvin O. Berglin are both over the age of twenty-one years and that both have been bona fide residents of Baldwin County for a period of more than five years next prior to the filing of this bill of complaint, and that your said complainant and the said Marvin O. Berglin were lawfully married on or about January 12, 1933, and since which time they have been residents of Fairhope, Baldwin County, Alabama.

Your complainant further shows unto your Honor that the said complainant has no income whatsoever, is not employed, and that said Marvin O. Berglin is a young man of good health and is employed and is physically and financially able to care for and support your complainant.

And your complainant further shows unto your Honor that the said Marvin O. Berglin has committed actual violence upon her person, attended with danger to her life or health.

And your complainant further shows unto your Honor that the said Marvin O. Berglin drinks, has a terrible temper, threatens to commit violence on the body of your complainant and from which conduct there is reasonable apprehension of such violence, and which would be attended with danger to her life or health.


The premises considered, your complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint, will cause service to be had upon the said Marvin O. Berglin, making him a party respondent

hereto and requiring him to answer, plead or demur to this bill of complaint within the time allowed by law.

And your complainant further prays that your Honor will order a reference to be held by the Register of this Honorable Court to determine what would be a reasonable allowance for alimony pendente lite for your complainant, and also, a reasonable amount for solicitor's fees in representing her in this cause, and that upon such Register's report your Honor will enter an order requiring the respondent to pay such alimony pendente lite and such solicitor's fees as shall be reported by said Register.

And your complainant further prays that upon a final hearing of this cause your Honor will enter a decree dissolving the bonds of matrimony now existing between your complainant and the said Marvin O. Berglin, granting unto her an absolute divorce, giving her the right to the use of her maiden name, ^{the right to marry again,} and such other and further rights as she may be entitled to, the premises considered; and that your Honor will further order another reference to be held by the Register of this Honorable Court to determine what would be a reasonable amount of permanent alimony to be allowed your complainant, and that your Honor, upon the said report being made by said Register, will enter an order decreeing that said respondent shall pay to your complainant such permanent alimony, and that she shall have the right to have execution issued in order to enforce said alimony pendente lite, said solicitor's fees and said alimony permanent.

And complainant will ever pray, etc.


SOLICITORS FOR COMPLAINANT

FOOTNOTE: The respondent is required to answer each and every paragraph of the foregoing bill of complaint,

but not under oath, his oath hereto being hereby expressly waived.

Gordon Wingrave Feigh
SOLICITORS FOR COMPLAINANT

CARRIE ADEL JONES,
Complainant,

E Q U I T Y .

versus

JESSE L. JONES,
Respondent.

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Comes JESSE L. JONES, Respondent in the above styled cause and for answer to the bill of complaint says that he denies each allegation of same.

Respondent hereby waives service and notice of demand for oral examination of Complainant's witnesses; of the time and place for taking testimony and of the right to introduce evidence in his behalf. He further agrees that this cause may be submitted for final decree at any time upon the pleading and complainant's evidence as noted by the Register.

Jesse L. Jones.....
Respondent.

Before me, the undersigned Notary personally appeared this day Jesse L. Jones who acknowledged before me that he executed the foregoing answer voluntarily with knowledge of its contents.

WITNESS my hand this the 9th day of February, 1935.

J. E. Beckman
Notary Public, Baldwin County, Alabama.

TO THE HONORABLE FRANCES W. HARE,
JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA:

Comes CARRIE ADEL JONES and by this, her bill of complaint presented against JESSE L. JONES, respectfully shows:

FIRST: That she and the defendant above named are both over the age of twenty-one years and are now, and have been for more than three years next prior to this date, bona fide residents of Baldwin County.

SECOND: That on the 8th day of November, 1930 they were married and thereafter lived as husband and wife in Fairhope in said Baldwin County until the month of June, 1934, since which time they have lived separate and apart.

THIRD: That about two years after the marriage aforesaid, the said defendant commenced to treat complainant cruelly, which treatment she endured up to the month of June, 1934 at whichtime the defendant flew into a violent rage, attacking complainant, striking her twice with his fists and stabbing her through her hand with a knife, upon which she took steps compelling the said defendant to leave the home in which they were then living and which belonged to her and since that time she has had nothing whatsoever to do with him, feeling assured from his actions that to continue to live with him would be to endanger her life.

THE PREMISES CONSIDERED, complainant prays that the said Jesse L. Jones be made party to this bill as a defendant and by appropriate process be required to answer same within the time prescribed by law.

COMPLAINANT FURTHER PRAYS that upon the hearing of this cause a decree be rendered forever divorcing her from the said Jesse L. Jones, granting her the right to marry again and such further, other or different relief as to equity may seem meet.

Elliot G. Ristler
Solicitor for Complainant

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No.

Term, 192.....

Carrie A Jones

....., Complainant...

vs.

Jesse L Jones

....., Defendant...

To *Robt S Durr*

....., 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 *her*

..... 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.

Elliot B. Riskaby.....
Solicitor for Complainant.

The State of Alabama, { No. 116 } CIRCUIT COURT IN EQUITY
Baldwin County

Carrie A. Jones Complainant

vs.

Jesse L. Jones 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 Cruelty

It is further ordered, that the said Carrie A. Jones and Jesse L. Jones be, and they 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 Carrie A. Jones 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 Jesse L. Jones

It is further ordered, adjudged and decreed that the said Carrie A. Jones and Jesse L. Jones shall not again marry except to ~~each~~ Each Other until sixty days after this date, and that if an appeal is taken within sixty days they shall not marry again, except to ~~each other~~ Each Other

during the said pendency of appeal

This 26th day of February 1935

F. W. Ware

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA { }
BALDWIN COUNTY { } CIRCUIT COURT, IN EQUITY

I, Robert S. Duck, 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 _____, 19____,

in the cause of Carrie A. Jones

Complainant

vs.

Jesse L. Jones Defendant

as appears of record in said Court.

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

Register

The State of Alabama, }
Baldwin County

CARRIE A. JONES,

Complainant.....

vs.

JESSE L. JONES,

Respondent.

Defendant.....

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

The Complainant

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

viz:

WILLARD BROWN
and

CARRIE A. JONES

said witnesses reside in the County of Baldwin,

State of Alabama.

G. EARLE PERKINS

who resides at

Fairhope,

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.

William B. Peirce
Solicitor for Complainant.

Duck

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No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 25

day of Feb 1935

Robert S Duck

REGISTER

RECORDED
Duck

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No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

vs.

REQUEST FOR DECREE IN
VACATION

FILED *File 25* 192 *3*

Robert S. Duck
Register

RECORDED IN RECORD

VOL. PAGE

Register

~~RECORDED~~
INDEXED

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SERVE ON

Circuit Court of Baldwin County
IN EQUITY

No. 117

SUMMONS

Mary Bengler

VS.

Mamie Bengler

Solicitor for Complainant

Recorded in Vol. _____ Page 5

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 23

day of Feb 1935

M. H. Wilburn
SHERIFF

Executed this 25 day of Feb 1935

by leaving a copy of the within Summons with

Mamie O. Bengler
~~RECORDED~~
Defendant

M. S. Williams
Sheriff

By C. N. Anderson
Deputy Sheriff

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Circuit Court, Baldwin County, Ala.
In Equity.

No.

1

VS.

Cost Bill

Paid _____, 193

Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

~~SECRET~~
back
~~SECRET~~

Filed February 23, 1935

Robert A. Geach
Registrar

... ..

...

...

...

... ..

... ..

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CARRIE A. JONES,
Complainant,

versus

JESSE L. JONES,
Respondent.

ANSWER AND WAIVER.

116

[Signature]

Filed February 22, 1935

Robert S. Ruck

Reporter

... ..

ATTORNEYS FOR DEFENDANT

THE COURT OF COMMON PLEAS...
IN AND FOR THE COUNTY OF...
DOES hereby certify that the within and foregoing...
is a true and correct copy of the original...
as the same appears from the records of the...
court of common pleas for the county of...
this 21st day of October, 1935.

117

THE COURT OF COMMON PLEAS...
IN AND FOR THE COUNTY OF...
DOES hereby certify that the within and foregoing...
is a true and correct copy of the original...
as the same appears from the records of the...
court of common pleas for the county of...
this 21st day of October, 1935.

116

CARRIE A. JONES,
Complainant,

versus

JESSE I. JONES,
Defendant.

B I L L

ELLIOTT G. RICKARBY,
Solicitor for Compt.

Robert S. Quick
Filed Oct. 21, 1935

THE COURT OF COMMON PLEAS...
IN AND FOR THE COUNTY OF...
DOES hereby certify that the within and foregoing...
is a true and correct copy of the original...
as the same appears from the records of the...
court of common pleas for the county of...
this 21st day of October, 1935.

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

CARRIE ADEL JONES,

Complainant.

vs.

JESSE L. JONES,

Defendant.

DEMAND FOR ORAL EXAMINATION

Filed February 23 1935

Robert S. Duck Register.

No. 116

~~CONFIDENTIAL~~
Burdick

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THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY,
Baldwin County, Ala.

Carrie Janner

VS

Jesse Janner

DECREE OF DIVORCE

Filed in office this 25

day of Feb., 1935

Robert S. Burdick
Register.

F. O. M.

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MARIE KOSTELECKY LADER,
Complainant,
-vs-
FRANK LADER,
Respondent.

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

It is agreed by and between the parties that the Commissioner, Miss Mary F. Green, shall take the testimony of the witnesses down in shorthand and transcribe the same, and that the signing of the testimony is expressly waived, and that the testimony be taken by questions and answers.

Dated this 5th day of September, 1935.

Hyatt & Gason
Solicitors for Complainant.

Beche & Nace
Solicitors for Respondent.

TESTIMONY OF MRS. MARIE LADER.

DIRECT EXAMINATION BY HON. C. L. HYBART, ONE OF THE SOLICITORS FOR
COMPLAINANT. (Mrs. Sophia Mach acted as interpreter.)

Q: What's your name?

A: Marie Kostelecky Lader.

Q: You testified previously in this trial?

A: Yes.

Q: And you testified that your husband, Frank Lader, choked you
and threatened you and got the gun?

A: Yes.

Q: Now do you remember the day of the month and the week that
this was on, and the year?

A: 2nd of February.

Q: What year?

A: This year, 1935.

Q: What day of the week was it on?

A: Saturday.

Q: Now after he had choked you and got the gun there and threaten-
ed you, what did you do?

A: We had to run to the neighbors, it was cold but we ran away.

Q: Who do you mean by "we ran away"?

A: I and the three boys.

Q: Whose boys?

A: My boys.

Q: Were they the step-sons of Frank Lader?

A: My own children.

Q: Was he the father of these children?

A: No.

Q: Where did you go?

A: To my closest neighbors. First I got Kuchera, he was the
deputy sheriff.

Q: Was Kuchera the Deputy Sheriff?

A: Yes.

Q: Did you go back home then?

A: She went there with the Deputy Sheriff.

Q: And from there she went to these Krawl's? What Krawl's? Was
Anna Krawl one of them?

A: Yes, and her husband, Anton Krawl.

(page two)

Q: And what time of the day was it she got to the Krawl's house?

A: It was towards evening and they slept at Krawl's house with the children.

Q: Spent the night at the Krawl's?

A: Yes.

Q: Where did they stay Sunday?

A: Krawl's.

Q: And where did they stay Monday?

A: She went home Monday because he was arrested.

Q: He was arrested, and had they put him in jail here?

A: Yes sir.

Q: Have you had anything to do with this man, lived with this man, since he choked you and threatened you, got the gun there and threatened your life?

A: No.

Q: Now at the time that he got the gun there, what did he say he was going to do to you?

A: If you know German, then he said "My God", he swore, and he said, "I'll fix you".

Q: And she then left, when he said "I'll fix you" she then left and has had nothing to do with him since?

A: No.

Q: What was his treatment towards you before this time, was he kind or unkind to you?

A: First month he was all right, but then he started and it was always worse and worse, and he didn't want to work.

Q: How was it worse?

A: Well, after she give him the money then he started fussing, fuss around. He wanted to get rid of her. He wanted the boys out of the way. He said they could work. He said she could go back to Texas.

Q: At anytime before this time had he hit her, or anything like that?

A: For two months, no. He hurt her by threatening the boys all the time. Said he would kill them and all such kind of talk.

Q: Did he run the boys away from home?

A: And he threatened the little boy and the little kid ran away to the neighbors and didn't stay at home.

Q: Where did he stay?

A: Over at Krawl's.

(page two)

(page three)

Q: How long were they married?

A: They married about October 24th, 1934, right here in Bay Minette.

Q: And you had three children at the time, three boys?

A: Yes.

Q: How old were your boys?

A: Fourteen, twelve and eight, the little one is eight. Two went to school and one worked at home.

Q: Now was he very sanitary and clean around the place?

A: He was dirty and he didn't dress up before the children, and did his business right before the door, and he went without clothes before the children.

Q: Did she make any complaint about this matter that you just talked about, about his business?

A: Yes, she reprimanded him for that, said the children weren't getting much of a lesson.

Q: Did she have to clean up behind him?

A: Yes, the first time she did, but next time she says she made him do it.

Q: He had been married before, hadn't he? Frank Lader was a widower?

A: Yes.

Q: And when did his wife die?

A: About two years ago.

Q: That was his first wife?

A: Yes.

CROSS EXAMINATION BY HON. HUBART HALL.

Q: How old was Mr. Lader?

A: Seventy.

Q: How old are you, Mrs. Lader?

A: 49.

Q: You came here in response to an advertisement, didn't you?

A: Yes, it was an acquaintance from the newspaper.

Q: You had never seen Mr. Lader until you came here?

A: No.

Q: How long had you been here before you married him?

A: About three or four days.

Q: Everything went along all right until you got a Deed from the old man to the property, didn't it, Mrs. Lader?

(page three)

(page four)

A: About a month it went pretty good, but about two months he didn't really abuse me much, but after that he started. She expected some work from him.

Q: That was after he had given her a Deed to the property?

A: Yes.

Q: Isn't it a fact, Mrs. Lader, that you went back there and lived with him about a week after this disturbance you discussed here?

A: Why no. He come from jail but he didn't go home.

Q: She went back and lived on the place and still lives there?

A: Yes, she still lives there.

Q: It is a fact that she won't let the old man come on the place now, isn't it?

A: No, she won't let him because he may kill her.

Q: Mr. Lader has some property there, hasn't he? Farming tools?

A: He took his clothes and bedding and papers and his personal belongings. He took that away.

Q: This difficulty arose over your children, didn't it?

A: Partly on account of the children and partly because he threatened them.

Q: Mr. Lader didn't want your children to live there in the home with you and him?

A: He was chasing the boys and chasing her, and he wanted her to go away so that he could keep everything that she had paid.

Q: She already had a deed at that time?

A: Yes, and she says she was willing to go if he paid her out what she had paid.

Q: And no trouble arose between her and Mr. Lader until after she had gotten a deed from him to all of his property, is that right?

A: Yes.

RE-DIRECT EXAMINATION BY HON. C. L. HYBART:

Now during the time that you were living there with Mr. Lader as his wife, did you try to do your duty as a wife to him?

A: Yes, I did.

Q: Did she say that she had put some money in the place?

A: I paid the Mortgage off, and I paid the Chattel Mortgage off.

Q: How much was that?

A: It amounted to over \$400.00, besides the money I spent for the railroad. She paid \$400.00.

Q: What is the appraised worth?

(page four)

(page five)

A: It isn't worth \$300.00 to me. If I could get \$400.00 in all I would leave.

Q: What is it, just 20 acres in cultivation?

A: It is all sand, right next to the Silverhill Cemetery.

Q: Deep sand?

A: Yes.

Q: Is it a deep sandy place right next to the cemetery?

A: Yes, all sand, right next to the cemetery.

Q: What size house is on the place?

A: Little house that's all leaky and run down.

Q: How many rooms?

A: Two room house.

Q: And it is in bad repair?

A: Oh, yes, awful bad.

TESTIMONY OF MRS. ANNA KRAWL.

DIRECT EXAMINATION BY HON. C. L. HYBART, ONE OF SOLICITORS FOR COM-
PLAINANT.

This is Mrs. Anna Krawl?

A: Yes sir.

Q: Mrs. Krawl how old are you?

A: Ashamed to say, fifty-four.

Q: Where do you live, Mrs. Krawl?

A: Silverhill.

Q: Do you know Mrs. Marie Lader?

A: Yes, I know her.

Q: Do you know her husband, Frank Lader?

A: Yes sir.

Q: How long have you known him?

A: I have known him about three years.

Q: He lives down in that community down there, Silverhill?

A: Yes.

Q: Do you know when Mr. Frank Lader and Mrs. Marie Lader married?

A: Yes, that was about in September or October last year.

Q: Last year?

A: Yes sir, in the fall.

(page five)

(page six)

Q: And do you remember the day that it is said that he beat his wife, remember that day?

A: That was one Saturday, one Saturday morning. I know that.

Q: Was that in this year?

A: That was in last year. No, that was in January, February, somewhere in there.

Q:

Q: In January or February of this year?

A: Yes sir.

Q: Did she come to your house on that Saturday?

A: No, not that Saturday, next week, I don't know what day. I don't know when, I know she was in our house with the children.

Q: She came to your house one Saturday with the children?

A: With the children.

Q: You didn't see the fight?

A: No.

Q: Didn't see him beat her?

A: No.

Q: Do you know when that happened?

A: That happened Saturday.

Q: That the day she came to your house?

A: Yes.

Q: Now what did you notice about her physical appearance, about her body's appearance, whether there was bruises on her body?

A: Yes, I said what's the matter with you. She said, "He choked me", said, "Look".

Q: When she said look did you look?

A: Sure.

Q: Did you see any bruises there?

A: Yes, blue spots on her throat, I said what's that, and she was blue on her arms and neck, and she said he choked me, and he ran into the room and took the gun and said he kill me, and I was afraid he would kill me, and so she and the boys ran from the house.

Q: And she ran over to your house?

A: Yes.

Q: And she stayed there in your house that evening?

A: She was one day there in the house and one night.

Q: Do you know when he was arrested and brought to jail?

A: Yes, me and my husband went to the deputy sheriff and to Roberts-

(Page six)

(page seven)

date and have him put in jail because see he always told her he would do something to her.

Q: And after he was put in jail she went back to her home?

A: Yes.

Q: Were you acquainted with his first wife?

A: Well, what I hear, it is awful bad.

Q: You never saw him beat his first wife?

A: I never saw, but the daughter told me what he do to her.

Q: Do you know his reputation in that community?

A: Very bad reputation. Very/^{mean}man. If I were a man and got a few men together I would kill him because he is such a bad fellow. He needs good licking. He never worked in his life. And he comes to our place and how he talk about his daughter, I say once, "It is a shame, it is your own daughter and you talk like this, bad".

Q: What did he say about his daughter?

A: Bad things, I don't want to say them. He say, why she talk bad about him. I say to Mr. Lader it is your daughter, if she talk bad about you you didn't need say anything.

Q: Was he a man that was given to drink, intemperance?

A: No, I don't know.

Q: But you know he didn't work?

A: No, he is lazy, he say he couldn't.

Q: He appears to be an able bodied man, doesn't he?

A: Yes. He was healty, he didn't want to do it.

CROSS-EXAMINATION BY HON. HUBERT HALL.

Q: He is an old man, isn't he, Mrs. Krawl?

A: Yes. He feels stronger than thirty year old.

Q: He got mad because his daughter was continually talking about him?

A: Well, the daughter do good to him.

Q: But she was talking about him?

A: Yes.

Q: And that's what he got mad about?

A: He is always mad, even if she don't talk.

Q: Isn't it a fact that they didn't come over to your place until about a week after this difficulty happened?

A: About nine o'clock same day. My husband go over there because the children were sick--

Q: It is a fact that the neighbors down there have interfered

(page seven)

(page eight)

quite a bit with this marriage?

A: Yes, you ask Mr. Kuchera and Mrs. Kuchera.

Q: I mean they did interfere toward a separation it seems?

A: He wants she should work and he should sit. She brought \$400.00 money, all go, and when the money go he said she can go on to Texas.

Q: She got a Deed to the property, didn't she?

A: Yes sir.

Q: And everything worked along until after she got the Deed?

A: Everything was all right until he took the gun.

Q: But she had a Deed then, didn't she?

A: Long time before that. She don't care for that. She has got little children, and she is good, and she got a good name in Texas. They pick cotton from now to fall, with the children she was making a living. She paid the first wife's undertaker's bill. I got the bill here.

RE-Direct EXAMINATION BY HON. C. L. HYBART.

Q: She paid the first wife's undertaker's bill?

A: Yes.

Q: And you know the place that she has there, that place she is living on?

A: Yes.

Q: Is that place worth \$400.00?

A: Not for me.

Q: What sort of place was it?

A: I wouldn't pay \$100.00 for it, because she could not make a living in the sand, and if she could get \$400.00 she would go on to Texas, she could not make a living on that sand and he don't give her a penny.

TESTIMONY OF NICK GREEK. DIRECT EXAMINATION BY HON. C. L. HYBART,
ONE OF THE SOLICITORS FOR COMPLAINANT.

Q: Your name, please sir?

A: Nick Greek.

Q: Do you know Mr. Frank Lader?

A: Yes.

Q: Any relation to him?

A: Yes, I know him.

Q: What kin are you to him?

A: Son-in-law.

(page eight)

(page ten)

A: Before she died she came down to my home crying. I asked her what's the trouble, and she said he took her and choked her.

Q: Did you see any signs on her neck?

A: No, the woman was crying.

Q: Did you ask him anything about it?

A: He didn't talk english.

Q: Did you ask Frank Lader anything about that?

A: Mr. Frank Lader knows.

Q: Did you ask Mr. Frank Lader about it?

A: I never talked with him.

Q: What was his conduct towards your wife?

A: He was mean to my wife, too mean, too mean. Mean to me too, both of us.

Q: Did he ever attempt to cut your wife with his knife?

A: Yes, he got up in the morning and take a knife, and I take the knife from Mr. Lader's hands so he couldn't cut my wife.

Q: When was this that you took the knife away from him?

A: About twelve or thirteen years ago. I feed him and sleep him and give him money.

Q: Has he been visiting in your home since that time?

A: After two years make friends. He is the meanest guy in Baldwin County.

(No cross examination).

TESTIMONY OF ANTON KRAWL. DIRECT EXAMINATION BY HON. C. L. HYBART,
ONE OF SOLICITORS FOR COMPLAINANT.

Q: Your name, please sir?

A: Anton Krawl.

Q: Do you know Frank Lader?

A: I know him around three years.

Q: He lives in Silverhill, doesn't he?

A: Yes.

Q: Do you know his general reputation in that community?

A: Well, his reputation, I can't tell in one word. He is brutal man, that's all. He can do all what brutal men can do.

(No cross examination.)

I, Mary F. Green, as Commissioner, hereby certify that the foregoing depositions on Oral Examination were taken down in writing by me in the words of the witnesses, said witnesses having been duly sworn, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses; that I am not of counsel or of kin to any of the parties to this cause, or in any manner interested in the result thereof.

Given under my hand and seal, this 5th day of September, 1935.

Mary F. Green

To Mary F. Green, Commissioner.

Taking testimony of Mrs. Marie Lader, Mrs. Anna Krawl, Nick Greek and Anton Krawl, in case of Marie Kostelecky Lader vs. Frank Lader, original.....	\$5.00
Two Copies at \$2.50 each.....	<u>\$5.00</u>
Total.....	\$10.00.

The State of Alabama }
Baldwin County

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

MARIE KOSTELECKY LADER

COMPLAINANT

VS.

FRANK LADER

RESPONDENT

I, Mary Green

as ~~Register and~~ Commissioner

have called and caused to come before me Marie Kostelecky Lader, Henry Kostelecky
and Edward Kostelecky

witness ^{es} named in the requirement for Oral Examination, on the 11th day of July

1935, at the office of Hybart & Chason

in Bay Minette, Alabama, and having first sworn said witness ^{es} to speak the

truth, the whole truth, and nothing but the truth, the said Marie Kostelecky Lader, Henry
Kostelecky and Edward Kostelecky doth depose and say as follows:

ORAL EXAMINATION

I, Mary Green as ~~Register and~~ Commissioner hereby certify that the foregoing deposition 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 John Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of 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 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 11th day of July 1935.

Mary Green (L. S.)

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No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

VS.

RESPONDENT

ORAL DEPOSITION

Filed July 22, 1935

Robert S. Welch, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

TESTIMONY OF MARIE KOSTELECKY LADER, COMPLAINANT.

Direct Examination by John Chason.

My name is Marie Kostelecky Lader. I am over the age of twenty-one years and a resident of Baldwin County, Alabama, residing at Silverhill, Alabama. I married the Respondent, Frank Lader, on October 24th, 1934, and lived with him as man and wife from that time until sometime during February, 1935; that while I was living with Frank Lader as his wife in Baldwin County, Alabama, at Silverhill, Frank Lader committed actual violence on my person; he choked me and threatened to kill me with a gun; that his conduct was such that I had reason to apprehend the commission of actual violence on my person, attended with danger to my life or health had I continued to reside with him; that we were caused to separate because of the matters and facts alleged above. That he choked me and threatened to kill me with a gun at our home in Silverhill, Baldwin County, Alabama.

CROSS-EXAMINATION BY HUBERT HALL, SOLICITOR FOR RESPONDENT.

Mr. Lader caught me by the neck and I pushed him off and he went to get the gun. He went into the kitchen and came back with the gun. He was coming out of the other room and she I saw the barrel of the gun and caught ahold of it. We do not live together. Before that he was always threatening, but this was the only time he attacked me. We struggled with the gun for a while and it made my ^{hand} all black and blue and the boy ran and opened the door and I followed him out.

RE-DIRECT EXAMINATION BY JOHN CHASON, ONE OF THE SOLICITORS FOR COMPLAINANT.

When he caught me he actually caught me by the neck and by the flesh and made a mark there.

Marie Kostelecky Lader

TESTIMONY OF HENRY KOSTELECKY, WITNESS FOR
COMPLAINANT.

DIRECT EXAMINATION BY JOHN CHASON, SOLICITOR
FOR COMPLAINANT.

My name is Henry Kostelecky. I am 14 years of age. I am a son of Marie Kostelecky Lader and lived with her and Frank Lader at our home in Silverhill in Baldwin County, Alabama; that I was present on February 2nd, 1935, and saw Frank Lader catch my mother by the clothes and neck and tear her clothes and leave a mark on her neck. I saw him run to get a gun and heard him threaten to kill her. My mother and Frank Lader separated shortly after this time because of the facts set out above. They are not living together and have not lived together as man and wife since they separated.

CROSS-EXAMINATION BY HUBERT HALL, SOLICITOR FOR
RESPONDENT.

I was there when the difficulty took place, Saturday morning he was in the barn and he wouldn't come for breakfast so my mother sent me over there and so he came along and had breakfast and he told my mother that she was making policemen out of us watching him smoke and that's when the fuss started. He told my mother that she was crazy fool that she hadn't got any sense; he told her that she gave him the worst bedding, she told him that it was a lie and he caught her by the flesh here and then she pushed him away and he got the gun and threatened to kill her. She caught ahold of the gun and I ran out.

Henry Kostelecky

TESTIMONY OF EDWARD KOSTELECKY, WITNESS FOR COMPLAINANT.

DIRECT EXAMINATION BY JOHN CHASON, ONE OF THE SOLICITORS FOR COMPLAINANT.

My name is Edward Kostelecky. I am the son of Marie Kostelecky Lader and am eleven years of age. I lived with my mother and Frank Lader at our home in Silverhill, Baldwin County, Alabama. I was present on February 2nd, 1935, at our home and I saw Frank Lader choke my mother. I saw him go after his shot gun and heard him tell my mother that he was going to kill her. That my mother and Frank Lader separated because of this difficulty, and are not living together as man and wife, and have not lived together since they separated.

Edward Kostelecky

NO CROSS-EXAMINATION.

The State of Alabama }
Baldwin County

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

MARIE KOSTELECKY LADER

COMPLAINANT

VS.

FRANK LADER

RESPONDENT

I, ROBERT S. DICK

as Register and Commissioner

have called and caused to come before me Frank Lader and James Rada

witnesses named in the requirement for Oral Examination, on the 28th day of August
1985, at the office of Clerk of the Circuit Court of Baldwin County, Ala.
in Bay Minette, Alabama, and having first sworn said witnesses to speak the
truth, the whole truth, and nothing but the truth, the said Frank Lader and James Rada

doth depose and say as follows:

ORAL EXAMINATION

I, Robert S. Duck as Register and Commissioner hereby certify that the foregoing deposition 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 H. M. Hall 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 29 day of August 1935.

Robert S. Duck (L. S.)
att.

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No. 118 Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

PARTY COMPLAINANT

vs.

COMPLAINANT

RESPONDENT

RESPONDENT

ORAL DEPOSITION

Filed 29th day August, 1935

Robert S. Duck, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

TESTIMONY OF FRANK LADER, RESPONDENT.

Direct Examination by Mr. Hall.

My name is Frank Lader. I live at Silverhill, in Baldwin County, Alabama. I am the husband of Marie Kostelecky Lader, and am the Respondent in the above styled cause. Marie Kostelecky Lader and I were married sometime during the year 1934 and made our home at Silverhill. I am seventy years of age, and make my living by farming. I have absolutely no source of income or any money. The Complainant and I lived together happily in our home where there was living also her two sons by a former marriage. I cared for the Complainant and her children as best I could. Sometime after we were married other people began discussing affairs with my wife, the Complainant, and continued in the effort to break up our home. I, at all times, treated my wife, the Complainant, as best I could, and at no time did I mistreat her in any manner. On the morning that the Complainant says that I mistreated her, Mrs. Krenek came to our place and she and my wife went out near the Graveyard and talked a long time. Soon my wife came back and I told her that she should not go out and talk to other people who were my enemies. His wife then told him he ought to be glad that he was permitted to remain in the house, and if he wasn't satisfied with that she would kick him out, and immediately took his clothes and threw them out of the house. On the date complained of the Complainant struck him and came right up in his face arguing with him and he, in order to keep her from striking him again and spitting in his face, pushed her back with the back of his hand. He did not, at any time, strike her or choke her, but merely shoved her back to keep her from spitting in his face; that he did not choke her or attempt to choke her, nor did he, at any

time, threaten to strike or to kill her with a gun; that they continued to live together in the same house for some four or five days or a week after this occurrence, during which time they all ate at the same table. He and the Complainant met as a result of an article in the paper; that the Complainant at that time lived in Texas and came to Silverhill, where the Respondent lived; that soon after they were married the property, a small farm of twenty acres, the only property that the Respondent owned, was by him deeded over to the Complainant, thinking that she was going to live with him as his wife and help him to make a home for the two of them during their later years; that everything ran along smoothly until outsiders interfered. The Respondent is perfectly willing to live with her, care for and support her as his wife, and also to allow her two children to live with him; that if the Complainant is granted a divorce from him, it will leave him absolutely penniless, with no means of a livelihood during his old age; that the Complainant has an almost uncontrollable temper, and on account of the outside interference has forbidden the Respondent to go on the place and get his farming tools and clothing, and also certain household furnishings which belong to him.

That he, at no time, mistreated the Complainant, or choked or struck her, but at all times treated her kindly.

CROSS-EXAMINATION BY JOHN CHASON, SOLICITOR FOR
COMPLAINANT.

Q: Mr. Lader isn't it a fact that you caught the Complainant by the throat and choked her and tore her dress.

A: She hit me first; then I shoved her back.

Q: Did you go and get your shot gun and start back to her with the gun in your hand?

A: No.

Q: Were you arrested and tried in the County Court charg-

ed with assault and battery on the Complainant?

A: Yes.

Q: Were you convicted in County Court of assault and battery and fined Five Dollars and costs?

A: Yes.

Q: You were charged with making an assault on the Complainant in this cause, were you not then convicted of making that assault?

A: Yes.

Q: You say that you lived together for four or five days after your first difficulty with her. How long did you live with her after your second difficulty with the Complainant?

A: I lived with her about one week after the second difficulty.

Q: This second difficulty occurred about a week after the first difficulty, did it not?

A: Yes.

RE-DIRECT EXAMINATION BY HUBERT HALL:

The case for which he was tried in the ^{County} Court was appealed and has not yet been tried in the Circuit Court.

Frank Lader

TESTIMONY OF JAMES RADA, WITNESS FOR RESPONDENT:

JAMES RADA, a witness for the Respondent, being first duly sworn deposes and says:

My name is James Rada. I live at Silverhill, in Baldwin County, Alabama, about one-quarter mile from where Mr. and Mrs. Lader lived. I have personally known Mr. Lader for the past fifteen years and know him to be of a quiet disposition. I knew Mr. Lader when he

lived with his former wife, who is now dead, and know that they lived together peaceably until her death. Mr. Lader is a man seventy years of age. He met and married the other Mrs. Lader about one year ago, when Mrs. Lader came to Silverhill. I have lived right near and we have visited back and forth during the time the Complainant and Respondent have lived together and I heard of no trouble between them until the warrant was taken out by Mrs. Lader against Mr. Lader. There has also been living in the house with Mr. and Mrs. Lader the two children of Mrs. Lader by a former marriage. I was not present at the time of the fuss between Mr. and Mrs. Lader, and although I was the closest neighbor, I heard nothing of it until about a week later. Mrs. Lader made no complaint so far as I know.

CROSS-EXAMINATION BY JOHN CHASON, SOLICITOR FOR
COMPLAINANT.

Q: You say that the Respondent in this case had some difficulty with his first wife?

A: Yes, his daughter Mrs. Nick came and got his wife and took her and carried her to the Creek Settlement.

Q: You are a pretty good friend of Mr. Lader?

A: I am not such a good friend, but I am taking up for the old man and do not want him shoved out of his property.

Q: You say you have been a neighbor for a good many years?

A: A good many years.

Q: You have known the Complainant in this case about a year?

A: Yes.

Q: Are you friendly or unfriendly with the Complainant, Mrs. Lader?

A: I am friendly with anybody that tells the truth
and not a lie.

James Rada

MARIE KOSTELECKY LADER,)	
)	IN THE CIRCUIT COURT-EQUITY SIDE
Complainant,)	
)	STATE OF ALABAMA
-vs-)	
)	BALDWIN COUNTY.
FRANK LADER,)	
)	
Respondent.)	

TO THE HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
THE HON. FRANCIS W. HARE, JUDGE THEREOF, SITTING IN EQUITY:-

Comes your Complainant, Marie Kostelecky Lader, and exhibits this her Bill of Complaint for Divorce against Frank Lader, and shows:-

FIRST:

That your Complainant and Respondent are both over the age of twenty-one years, and are bona fide residents of Baldwin County, Alabama, residing at Silverhill, Alabama.

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit, the 24th day of October, 1934, and have lived together as man and wife since said time, and until, on account of the matters hereinafter complained of, your Complainant was compelled to leave the Respondent and live separate and apart from him. That in the month of February, 1935, and while your Complainant and Respondent were living together as man and wife in Baldwin County, Alabama, at Silverhill, the Respondent committed actual violence on the person of your Complainant, attended with danger to life or health; that the Respondent choked your Complainant, threatened her with a gun, and that the conduct of Respondent was such that your Complainant had reason to apprehend the commission of actual violence on her person, attended with danger to her life or health, had she continued to reside with him.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, your Complainant prays that the above named Respondent be made party Defendant to this cause by the usual process of this Honorable Court, requiring him to appear

(page two)

and plead, answer or demur, within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided.

That upon a final hearing of this cause there be granted to your Complainant a divorce, and should your Complainant be mistaken in the relief prayed for that there should be granted to her such other, further and different relief to which she may be entitled. And as in duth bound she will ever pray.

Marie Kostecky Lader

FOOT NOTE:-

Respondent is required to answer each and every paragraph of the foregoing Bill of Complaint, from "First" to "Second", inclusive, but answer under oath is hereby expressly waived.

Hubert, Harold Shanon
solicitors 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 Frank Lader,

Silverhill,

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 Marie Kostelecky Lader

against said Frank Lader

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, M. A. Stone, Register of said Circuit Court, this 27th day of February 5 1935

Robert L. Stone Register

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

Handwritten scribble

SERVE ON _____

Circuit Court of Baldwin County
IN EQUITY

No. 118

SUMMONS

Marie Kostelicky Jader

vs.

Frank Jader

Hybart Heard & Chason
Solicitor for Complainant

Recorded in Vol. _____ Page _____

Sutton Hill

SP-5

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 27

day of Feb 1935
M. H. Wilburn
SHERIFF

Executed this 13 day of March 1935

by leaving a copy of the within Summons with
Frank Jader

~~RECORDED~~
Defendant

M. H. Wilburn
Sheriff

By *C. H. Anderson*
Deputy Sheriff

118

MARIE KOSTELECKY LADER,
Complainant,
VS.
FRANK LADER,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN CHANCERY,
NO. 118.

And now comes the Respondent and for answer to the Complainant's bill of complaint and to each count thereof separately and severally says:

ONE:

That he admits the allegation contained in paragraph First.

TWO:

That he admits that he and the Complainant were married on to-wit, October 24th, 1934, but denies each and every allegation contained in said count Second.

THREE:

The Respondent denies each and every allegation contained in said bill of complaint not herein specifically admitted, and demands strict proof of the same.

Baker & Hall
Attorneys for Defendant.

RECORDED
118
Deuch
6-22-6

MARIE KOSTELECKY LADER,

Complainant;

VS.

FRANK LADER,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN CHANCERY,

NO. 118.

ANSWER.

Filed this 15th day of
April, 1935.

Robert L. Deuch
Clerk

118

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To Miss Mary Green

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 Marie Kostelecky Lader, Henry Kostelecky and Edward Kostelecky,

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

Complainant
and Frank Lader. is

Defendant,
on oath to be by you administered, upon them

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

Witness 11th day of July 19 5

Robert L. Owen

REGISTER

COMMISSIONER'S FEE, \$ _____

WITNESS' FEES, \$ _____

RECORDED
Reich

NO. 6-126

The State of Alabama

BALDWIN COUNTY

CIRCUIT COURT

Complainant _____
vs.
Defendant _____

COMMISSION TO TAKE DEPOSITION

COMMISSIONER: _____

WITNESSES: _____

$$\begin{array}{r}
 760 \\
 410 \\
 \hline
 1170 \\
 1300 \\
 1000 \\
 300 \\
 \hline
 2600 \\
 600 \\
 \hline
 3200
 \end{array}$$

118

MARIE KOSTELECKY LADER,
Complainant,
-vs-
FRANK LADER,
Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE
STATE OF ALABAMA
BALDWIN COUNTY.

TO THE HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
THE HON. FRANCIS W. HARE, JUDGE THEREOF, SITTING IN EQUITY:-

Comes your Complainant, Marie Kostelecky Lader, and exhibits this her Bill of Complaint for Divorce against Frank Lader, and shows:-

FIRST:

That your Complainant and Respondent are both over the age of twenty-one years, and are bona fide residents of Baldwin County, Alabama, residing at Silverhill, Alabama.

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit, the 24th day of October, 1934, and have lived together as man and wife since said time, and until, on account of the matters hereinafter complained of, your Complainant was compelled to leave the Respondent and live separate and apart from him. That in the month of February, 1935, and while your Complainant and Respondent were living together as man and wife in Baldwin County, Alabama, at Silverhill, the Respondent committed actual violence on the person of your Complainant, attended with danger to life or health; that the Respondent choked your Complainant, threatened her with a gun, and that the conduct of Respondent was such that your Complainant had reason to apprehend the commission of actual violence on her person, attended with danger to her life or health, had she continued to reside with him.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, your Complainant prays that the above named Respondent be made party Defendant to this cause by the usual process of this Honorable Court, requiring him to appear

(page two)

and plead, answer or demur, within the time and under the penalties prescribed by the rules of this Court and the statutes in such cases made and provided.

That upon a final hearing of this cause there be granted to your Complainant a divorce, and should your Complainant be mistaken in the relief prayed for that there should be granted to her such other, further and different relief to which she may be entitled. And as in duth bound she will ever pray.

118
Marie Hostelsky Lader

FOOT NOTE:-

Respondent is required to answer each and every paragraph of the foregoing Bill of Complaint, from "first" to "second", inclusive, but answer under oath is hereby expressly waived.

118
Hubert Howard Kasou
Solicitors for Complainant.

and plead, answer or demur, within the time and under the penalties prescribed by the rules of this Court and the statutes in such cases made and provided.

That upon a final hearing of this cause there be granted

to your Complainant a divorce, and should your Complainant be mistaken in the relief prayed for that there should be granted to her such other and different relief to which she may be entitled. And as in duty bound she will ever pray.

BILL OF COMPLAINT

118

SALINE COUNTY

STATE OF ALABAMA

JUDICIAL CIRCUIT COURT

FRANK L. ADAMS

-vs-

COMPLAINANT

RESPONDENT

NOTE: -

Respondent is required to answer each and every paragraph of the foregoing Bill of Complaint, from "first" to "second", including "but answer under oath is hereby expressly waived."

Robert S. Powell
Attorneys for Complainant

118

Robert S. Powell
Attorney for Respondent
27
1935

THE STATE OF ALABAMA, }
Baldwin County.

No. 118 Circuit Court, In Equity

Marie Kostelecky Lader Complainant.....

vs.

Frank Lader, 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 Cruelty

It is further ordered that the said Marie Kostelecky Lader 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 Marie Kostelecky Lader 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 Frank Lader

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

This 21st day of November 1935
J. W. Hare
Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA, }
Baldwin County.

Circuit Court, In Equity.

I, Robert S. Luck, 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 4th day of ~~September~~ ^{March} 1935. in the cause of

Marie Kostelecky Lader Complainant.....

vs.

Frank Lader Defendant.....

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____ 193_____

Register

RECORDED

Min 2-180

No. _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY
Baldwin County, Ala.

Mrs. A. T. Leiby Tolson

VS.

Frank S. Tolson

DECREE OF DIVORCE

Filed in office this 5th

day of January 1931

Robert D. Wood

REGISTER

H. O. M.

MOORE PRINTING CO., BAY MINETTE, ALA.

THE STATE OF ALABAMA, }
Baldwin County.

No. 113 Circuit Court, In Equity

Marie Kostelocky Leder Complainant

vs.

Frank Leder 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 Cruelty

It is further ordered that the said Marie Kostelocky Leder 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 Marie Kostelocky Leder 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 Frank Leder

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

This _____ day of _____ 193 ..

Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA, }
Baldwin County.

Circuit Court, In Equity.

I, Robert S. Cook 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 4th day of November 193 5 in the cause of

Marie Kostelocky Leder Complainant

vs.

Frank Leder Defendant
as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____ 193 ..

Register

No. 118

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY
Baldwin County, Ala.

Mrs. Theodora S. Siler

VS.

Frank Siler

DECREE OF DIVORCE

Filed in office this

day of _____ 193

REGISTER

F. O. M.

MOORE PRINTING CO., BAY MINETTE, ALA.

118