

STATE OF ALABAMA  
BALDWIN COUNTY

You are hereby commanded to summon HOLLIE JONES, to appear and plead, answer or demur, within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in equity, by HARRIET C. JONES, as Complainant, and against HOLLIE JONES, as Respondent.

WITNESS my hand this 21<sup>st</sup> day of December, 1949.

Alfred J. Black  
Register

HARRIET C. JONES	Ø	
Complainant	Ø	IN THE CIRCUIT COURT OF
VS	Ø	BALDWIN COUNTY, ALABAMA
HOLLIE JONES	Ø	IN EQUITY
Respondent	Ø	

TO HONORABLE TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA, IN EQUITY SITTING:

Your Complainant, HARRIET C. JONES, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

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

2.

That your Complainant and the Respondent married in Dallas, Texas on June 22, 1944 and lived together as husband and wife in Baldwin County, Alabama until on to-wit, September 18th, 1949, when for the reason hereinafter set out your Complainant was forced to cease living with the Respondent.

3.

That on to-wit, September 18th, 1949, and on various other occasions, the Respondent cursed, threatened and abused your Complainant and threatened to do violence to her person which would necessarily endanger her life and health; that the conditions of the Respondent was such as to give your Complainant every reasonable apprehension to believe

and she did actually believe that if she continued to live with him he would carry out his threats and do actual violence to her person that would necessarily endanger her life and health and further on to-wit; December 13, 1949,) the Respondent threatened your Complainant's life with a pistol, invading the premises of her parents to do so.

4.

That there was born between the marriage of your Complainant and the Respondent two children, DAVID ALLEN JONES, age four, and HARRIET CATHERINE JONES, age two; that said children are with your Complainant who is a suitable, fit and proper person to have their care, custody and control.

5.

That Complainant and Defendant are jointly purchasing a home at 205 Watt Avenue in the Municipality of Fairhope which is worth approximately \$4,000.00 in which they hold an equity of approximately \$1,200.00 and in which they live until she was compelled to cease living with the Respondent, as his wife, because of said Respondents cruelty and your Complainant's fear for her life or health, and further the parties to this cause have a bank account in the Fairhope National Bank at Fairhope, Alabama. Said account being in the amount of approximately \$500.00.

6.

Your Complainant avers that said Respondent is a man of considerable income; towit: receiving from his employer a salary of \$230.00 per month and in addition thereto is furnished an automobile by his employer and that all of his traveling expense are paid by said employer.

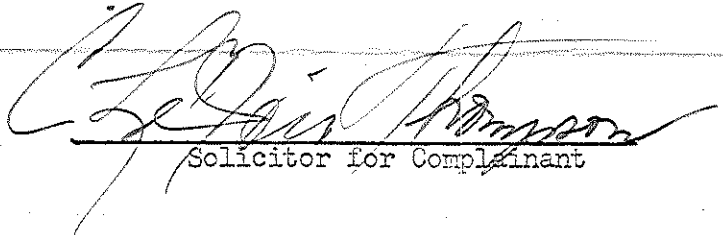
#### PRAYER

WH EREFORE, the premises considered, your Complainant prays that your Honor will by proper procedure make the said HOLLIE JONES party Respondent to this bill of complaint requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon final hearing hereof your Honor will grant to her an absolute divorce forever barring the bonds of matrimony existing between your Complainant and Respondent.

That your Complainant be awarded the custody, care and control

of the minor children, David Allen Jones, age four, and Harriet Catherine Jones, age two; that your Honor will grant to the Complainant permanent maintenance for said children in the amount of One Hundred (\$100.00) Dollars per month and inasmuch as your Complainant is without funds it is suggested that Seventy-five (\$75.00) Dollars be allowed as a reasonable Solicitor's fee to your Complainant's Solicitor for his services herein and that your Honor will order the Register of this Court to hold a reference and report to this Court what would be a reasonable amount to be allowed your Complainant as alimony for her support and maintenance pending this suit, and what will be a reasonable amount to be allowed your Complainant's Solicitor for his services herein, and that upon a final hearing of this cause, that your Honor will render a decree granting to your Complainant permanent alimony for her support and maintenance, and your Complainant prays for such other, further or general relief to which she may be entitled, and your Complainant prays, etc.

  
Solicitor for Complainant

MO 2405- RECORDED  
Fairhope

205 White Ave

HARRIET C. JONES

Complainant

Received in Sheriff's Office  
this 29 day of Dec 1949  
TAYLOR WILKINS, Sheriff

VS

HOLLIE JONES

Respondent

Hollie Jones

Accepted Dec 29 1949  
by serving copy of within Summons and  
Complaint on

IN THE CIRCUIT COURT OF

BELDWIN COUNTY, ALABAMA

IN EQUITY

Dayla Wilshire Sheriff  
By F. Hall Deputy Clerk

FILED

DEC 21 1949

ALICE J. DUCK, Register

From the office of  
C. Lenoir Thompson  
Bay Minette, Alabama

205 White Ave

HARRIET C. JONES

Complainant

VS

HOLLIE JONES

Respondent

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO THE HONORABLE TELFAIR J. MASHEURN JR., JUDGE OF SAID COURT:

Comes your Petitioner, Harriet C. Jones, and respectfully represents and shows unto your Honor as follows:

1. That she has filed in this Honorable Court a bill seeking alimony for support and maintenance against the Respondent, Hollie Jones.

2. That she is without means of support during the pendency of this suit, and that said Respondent is well able to provide support and maintenance for your Complainant, but that said Respondent has refused and failed so to do.

The premises considered, your petitioner prays that your Honor will order the Register of this Court to hold a reference and to ascertain and report to this Court what will be a reasonable amount to be allowed to your petitioner during the pendency of this suit, and your petitioner prays for general relief.

  
ATTORNEY FOR PETITIONER.

HARRIET C. JONES

Complainant

VS

HOLLIE JONES

Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO THE REGISTER IN CHANCERY OF SAID COURT:

Upon consideration of the Petition of Harriet C. Jones filed in this cause, the same being duly read, considered and understood by the Court, it is, therefore, the Judgment of this Court, and it is ordered, adjudged and decreed by the Court that the Register of this Court hold a reference according to law, under the rules of this Court, and ascertain and report to this Court what will be a reasonable amount to be allowed to the Complainant, Harriet C. Jones, for her support and maintenance during the pendency of this suit, and that the Register of this Court give notice of holding of said reference according to law.

Done this the 11<sup>th</sup> day of January, 1950.

Telfair H. Mashburn, Jr.  
CIRCUIT JUDGE

Jan 20 - 1950

RECORDED

Filed 1-11-50  
Avery J. P. Smith  
Registrar

Orig 1370  
2 copies 1320  
26.40

HARRIET C. JONES,

Complainant,

VS.

HOLLIE JONES,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2405.

TESTIMONY TAKEN ON AUGUST 3, 1950  
RE: CUSTODY OF CHILDREN

Harriet C. Jones, being first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Hon. C. L. Thompson

Q. You are Harriet C. Jones?

A. That's right.

Q. The Complainant in this case?

A. Yes sir.

Q. Present in Court here is Hollie Jones, the Respondent in this case,  
is that right?

A. Yes sir.

Q. You and the Respondent were married in Dallas, Texas, on June 22, 1944?

A. Yes sir.

Q. Lived together as husband and wife there and in Alabama until  
September 18, 1949?

A. Yes sir.

Q. Do you recall approximately when you came to Alabama?

A. Just a few days before the first of June. I don't know how many.

Q. That would be sometime in May, in 1948?

A. Latter part of May.

Q. Your separation occurred on September 18, 1949 in Fairhope, Alabama?

A. That's as close as I can come to it.

Q. Now, were there any children as fruits of this marriage?

A. Two.

Q. State their names and ages?



A. David Allen Jones, five and a half, and Harriet Catherine Jones, two and a half.

Q. Where are those children? Do they reside with you?

A. Yes.

Q. They have resided with you how long?

A. Ever since they were born.

Q. In the matter of this divorce, do you want the custody of those children?

A. Yes sir.

Q. You feel you are qualified to take care of them?

A. I know I am. I know I am.

Q. You are willing to state to the Court that if you are awarded the custody of them you are a proper and suitable person to look after them?

A. Yes sir.

Q. To rear them properly?

A. Yes sir.

Q. Mrs. Jones, the matter of caring for the children, the financial responsibility of caring for those children, will you state to the Court your present day costs what you should have to maintain those children in the standards of life to which they are accustomed?

A. I would estimate \$100.00 a month. I think it takes more than that, taking everything into consideration.

Q. Their station in life you are telling the Court it would take about One Hundred Dollars a month?

A. I guess. It would not be what they are accustomed to but it would get them by. I know that.

Q. Do you know, or have any basis of knowing the income of the Respondent, Hollie Jones?

A. I know when we separated he made about Two Hundred and Thirty Dollars a month plus expenses and a car. I know he was supposed to get a raise.

Q. You know at that time he was getting Two Hundred and Thirty Dollars a month. State to the Court the approximate time he got expenses, how many days a week.

A. How many days a week the Company pay his expenses?

Q. I am trying to show the Court the amount of money that he received as salary and the amount he received, if you know, as expense money to pay his personal expense?

A. I believe I remember Hollie was on the road three weeks out of five and five days out of seven, Monday through Friday, pay car expenses all the time except for pleasure and they would pay that but he would have to pay it back.

That's all

ON CROSS EXAMINATION

By Hon. J. Jefferson Bennett

Q. Mrs. Jones, you stated you felt you were a qualified and fit to care for your children. I will ask you where are you and your children now living?

A. 205 White Avenue.

Q. Under what conditions do you provide for their care during the twenty-four hour period. Do you have anyone to help you look after the children?

A. Yes.

Q. Who?

A. I have a colored woman when my mother can't take care of them.

Q. Sometimes your mother and sometimes a colored woman?

A. Right.

Q. Are you employed at the present time?

A. Yes sir.

Q. Where?

A. Grand Hotel, Point Clear.

Q. What are your hours?

A. I go to work at seven in the morning, get off about ten. In the afternoons I have two hours relief in the afternoon and an hour at noon.

Q. What provision is made for those children while you are away from them?

A. I stated I have someone to look after them. Mother takes care of them most of the time.

Q. In the home on White Avenue?

A. Right.

Q. How old is this colored woman?

A. I don't know.

Q. Can you tell me her name?

A. Luella. Her mother works down at the Grand Hotel is how come me to hire her.

Q. What is her last name?

A. I don't know.

Q. You got acquainted with her through her mother who works at the Grand Hotel?

A. Right. She called my boss for a job and he couldn't use her and recommended her to me.

Q. How long has she been in your employ?

A. Approximately four months.

Q. What hours does Luella work?

A. From six-thirty in the morning until I come home at night about ten o'clock.

Q. Is she always there when you come home at night?

A. When she is keeping the children she is always there.

Q. You stated when your mother was able she cared for them and when she wasn't Luella did?

A. That's right.

Q. During the past month show many times per week, how many evenings a week has your mother kept them rather than another?

A. Oh, gee.

Q. Can you give us the number of days a week she is able to keep them?

A. No, because I don't work it that way. If she isn't feeling well lots of times, few days she is down at the house with them or bring Luella down to the house with her, greater part -

Q. Can you give the Court some idea of how many times the children are in the temporary care of Luella and how many times a week they are in the care of your mother?

A. I would say pretty equally divided.

Q. About half and half?

A. Yes. I am home two days a week.

Q. You work five of the seven days?

A. I work five whole days and two off days, and I work one week and a day off -

Q. About fifty percent of the time of your past history you care for the children on off days they have been in the temporary care of your mother and the other fifty percent in the temporary care of Luella?

A. Since I started to work at the hotel, yes.

Q. You stated you usually got off from work around ten o'clock?

A. Approximately ten. The dining room closes at eight. Sometimes we have late people and we wait until they are through.

Q. How many times during the past months was it that you went directly home and how many times did you go from your work to some other place other than your home?

A. Last month you say?

Q. Yes?

A. I would say perhaps twice during the last month I haven't come straight home.

Q. How many times over a period of the month after ten you have been away from home when you were not working?

A. About twice. I won't say I went to 205 White Avenue but I had the children with me if I was gone.

Q. Only twice during the past month have you not been with your children or in their company after eleven o'clock at night, is that right?

A. If you will let me figure a minute, Mr. Bennett, I can tell you exactly. I would say twice.

Q. Mrs. Jones, I will ask you if you had the care of the children a week ago last Friday night?

A. Last Friday night or Saturday night?

Q. Last Friday night and last Saturday night?

A. Last Saturday I had a date. I had my boy with me and the little girl was with my grandmother.

Q. On Saturday night?

A. Yes.

Q. How about Friday night?

A. I was home.

Q. A week ago last Friday?

A. A week ago last Friday, I was at home. A week ago last Saturday mother had the children. I thought you asked me about last Saturday.

Q. What time did you get home a week ago last Friday night?

A. I would say about the usual time I get in. I didn't go anywhere.

Q. What time did you get home a week ago last Saturday night?

A. Somewhere around one, five or ten minutes till or after.

Q. Where were your children?

A. At my mother's.

Q. Both of them?

A. Yes.

Q. I believe you stated one was at home and the other was with you?

A. I said I am sorry. I amended my statement.

Q. They were both home last Saturday night when you got home?

A. Yes.

Q. Where were they when you left your home last Saturday night?

A. At mother's I suppose. That's where I left them.

Q. Mrs. Jones, I will ask you do you drink intoxicants in any amount?

A. Me? Occasionally I take a mixed drink, once in a great while, yes.

Q. Mrs. Jones, sometime during the past month isn't it a fact that your children were left in your home while you were out on a date?

A. I beg your pardon.

Q. And that during the time of your absence your children left that place and went to Live Oak Cottages by themselves?

A. That is not true. I can tell you where <sup>I was</sup> ~~they were~~ two times. I don't mind telling you.

THE COURT: I don't think it matters so much about you, it's about the children.

Q. As I understand your testimony, during the past month you were absent from home only twice?

A. To the best of my knowledge.

Q. And the children in the care of your mother both times?

- A. Not both times. One time I had the little boy with me and the little girl was with my grandmother.
- Q. Where did you go?
- A. I went out on a boat with my father and mother and some friends of mine.
- Q. When did you return?
- A. Sunday afternoon at four.
- Q. And you left Saturday?
- A. Saturday evening.
- Q. Has there ever been any intoxicants in front of your children in your mother's home?
- A. No. There have never been except one time and that was before I was separated.
- That's all

ON RE DIRECT EXAMINATION

By Mr. Thompson

- Q. In regard to the employment of this girl Luella, you stated you received a recommendation for her from somebody else?
- A. Yes.
- Q. Who?
- A. My boss. He hired her mother who works at the hotel and it was on the recommendation of her mother, not on her own merits.
- Q. There have been no intoxicants in your home?
- A. No.
- Q. Were there before?
- A. At one occasion, we had a guest. That is the only time I remember.

ON RE CROSS EXAMINATION

By Mr. Bennett

- Q. Mrs. Jones, you stated there was intoxicants in your home once before you separated, do you remember who brought that in the house?
- A. I had rather not say.
- Q. Tell the Court whether or not you remember who brought it?
- A. Yes, I remember.
- Q. Who was it?
- A. Elmore McKenzie.

- Q. Tell the Court what happened to that intoxicants?
- A. Hollie poured it down the drain. We didn't like to have things like that in front of the children.
- Q. Mrs. Jones, in connection with the wellbeing of your children, being infested with headlice for more than a year, is that true?
- A. It is not true.
- Q. Have they been infested with head lice?
- A. Yes sir.
- Q. What has been done?
- A. I treated it myself.
- Q. When was it relieved?
- A. Relieved a number of times. Every time Hollie came after the kids they came back with them.
- Q. State the last time your children had head lice to the best of your knowledge?
- A. I don't remember dates that well.
- Q. Isn't it true, Mrs. Jones, that over a long period of time your husband, the Respondent in this case, insisted that the head lice condition be relieved and treated by a doctor?
- A. The Respondent lived at home part of that year he is accusing me of.
- Q. Isn't it as a matter of fact he insisted on getting medicine for them?
- A. Not that I am aware of.
- Q. Isn't it true as a matter of fact that since your separation he obtained a prescription to relieve the head lice condition?
- A. He did obtain a prescription. The children were with me. He didn't take them for examination from the doctor.
- Q. On the afternoon he gave you the prescription the children were with you?
- A. Right.
- Q. Did you use that prescription at that time?
- A. No.
- Q. What did you do?
- A. I used kerosene and sweet oil.

Q. How long after that was it you treated them?

A. I don't remember.

MR. THOMPSON: The respondent rested and is questioning this witness about things which were not brought out on direct examination or on re-cross examination.

THE COURT: I think it is something that should be brought out.

Q. Mrs. Jones, you stated the children never had head lice except when your husband had had them?

A. I said every time I got rid of the head lice he came and got them and I asked Hollie please not to use his comb on their heads and in a few days they began to appear again.

Q. How long at a time were they in his custody?

A. Occasionally they spent the night, most usually the afternoon.

Q. Do I understand you to say that your children would be free of head lice and then your husband would take them out in an afternoon and they would come back infested with head lice?

A. I said within a few days after the time he would get the children they would begin to get them again. I don't know exactly the time but I do know where they came from.

Q. Have you, yourself, taken the children to the doctor to assist you in clearing up the head lice condition?

A. No, I haven't.

Q. Have you done anything in the home to help get rid of it, treat the beds, the pillows or anything?

A. I have.

Q. What did you do to them?

A. Used a DDT spray.

Q. How often?

A. Every time I would have to get rid of the head lice again.  
That's all.

Mrs. Anne Kraft, having been first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Mr. Thompson

Q. What is your name?

A. Anne Kraft.



Q. Mrs. Kraft, do you live in Fairhope, Alabama?

A. Yes sir.

Q. During the past twelve months, Mrs. Kraft, have you had any knowledge of an infestation of head lice among the school children or other children of Fairhope?

A. Yes sir.

Q. Do you happen to know if any efforts have been made to curb that?

A. I think the nurse did, the children told me, examined their heads and sent the children home.

Q. It was wide spread?

A. It was.

MR. BENNETT: No question

Hollie Jones, being first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Mr. Bennett

Q. Will you state your name and residence, please sir?

A. Hollie Jones, Fairhope, Alabama.

Q. You are the respondent in this case?

A. Yes.

Q. The husband of the Complainant?

A. Yes sir.

Q. Mr. Jones have you had an opportunity since the time of your separation, about which you have already heard testimony, to observe the conditions under which your children are kept?

A. Yes.

Q. Are you familiar with the conditions under which they live?

A. Yes.

Q. Have you had an opportunity to observe their cleanliness?

A. Yes sir.

Q. At various times day and night during this period of time?

A. Yes sir.

- Q. Mr. Jones, I will ask you to state to the Court whether or not the children are generally clean and well kept or not?
- A. No sir, they are not.
- Q. Will you state to the Court what you observed about the children which leads you to give that answer to the question?
- A. You mean about their physical condition?
- Q. What did you see around the children, how they looked, why you say they are not kept clean.
- A. They are usually dirty and kept unclean, lice on them, don't eat regular and when they did eat they would eat junk, I guess is what you would call it, it wasn't solid substantial food.
- Q. And also do you know when they were fed and when not fed?
- A. Yes sir, I know.
- Q. State to the Court one particular instance of what you have in mind.
- A. Once, I believe it was Sunday before last Sunday they were out on a boat and I went, - no that was Sunday about three Sundays ago, her daddy was out of town, mother in Atlanta and her sister was keeping the kids. I asked if I could come by and get the kids and take them to Sunday School and told her it started at ten o'clock and I went by and went in and they were eating cold stale piece of bread and jelly. That was what they had for breakfast, what they ate on that particular Sunday morning and I stood there and waited until they finished eating the bread and jelly and dressed them and carried them on to Sunday School.
- Q. Do you, of your own knowledge, know whether they attend Church or Sunday School unless you take them?
- A. Yes.
- Q. They do that?
- A. Sometimes they do. It isn't regular. The boy, the little girl doesn't, just occasionally.
- Q. During the time of your separation have you made an effort to obtain medical care to cure the lice?
- A. Yes, sir.
- Q. Will you state to the Court the circumstances under which that attempt was made?

A. From the attempt then or further back?

Q. At the time you obtained medical treatment, tell us the facts under which that was done?

A. I went to the Jordan Clinic and got in the car with Dr. Johnson and I went down to the cabin where Mrs. Dawson was keeping the kids-

Q. Where is that cabin with relation to the cabin where your wife lives?

A. Next door, next cabin over. Dr. Johnson and I went in the cabin and told them wanted to examine Cathy, went on back - - - and Cathy was laying under the dresser on a dirty throw-rug asleep. I picked her up and laid her on the divan and looked at the lice crawling all over he head then and Dr. Johnson -

MR. THOMPSON: We object and move to strike what Dr. Johnson did, he-

THE COURT: Deny the motion.

We got in the car and went back to his house and he got his book and found two or three different prescriptions for those things and wrote me out one and I went to the drug store and bought it and give it to Mrs. Dawson and asked her would she give it to Harriet to try to do something about that condition.

Q. Did that condition exist before your separation?

A. Yes sir.

Q. What attempt was made on your part to relieve that condition?

A. I bought several different kinds of medicine that people would say and bring it home and I washed her hair myself several times with vinegar when I was home on weekends and different remedies I heard of.

Q. Were you given any assistance at all by your wife in connection with that treatment?

A. Some, yes sir.

Q. Do you know of any time the house and bed clothes were treated?

A. No sir.

Q. Did you check about that being done?

A. I didn't know until later that that was necessary thing to do. I thought all you had to do was to get them out of her head.

Q. After this visit from Dr. Johnson how long was it before you saw the children again?

A. In the next day or two.

Q. You say in the next day or two?

A. I saw them every week.

Q. Have head lice on them at that time?

A. Yes sir.

Q. For how long a period after that you saw your children?

A. Saw them until about a month and a half ago all and on. I could see the nits. One time hair was washed and maybe one time have bugs and maybe bugs would<sup>n't</sup> be there and the nits would still be there.

Q. Your wife stated that about half of the time when she is not at home they are kept in the custody of your wife's mother, have you had an opportunity to observe the care and treatment given to either or both of your children by Mrs. Carter?

A. I have had an opportunity to observe not only my children but hers since while I was married and since I was married and she treated -

Q. Is that treatment attentive, good or inattentive and bad?

A. I would say inattentive and bad.

MR. THOMPSON: I move to strike. Conclusion of the witness.

THE COURT: Deny the motion.

Q. As applies to your own children, how have they been treated to your own knowledge?

A. Just like, specific instance, going on a trip to New Orleans awhile back to carry the boy, about a month ago, to Dr. Bell to see the doctor, heard she had - Harriet called me, - said left to carry the children, left to go to New Orleans and called Madeline Scott to keep the kids before she left.

MR. THOMPSON: I move to strike. He wasn't present when that was said.

THE COURT: Is it true you were there?

A. No sir.

THE COURT: Just confine your statement to what you know, not what people tell you.

A. I know of a specific instance when we were down on the gulf one time. We went up the beach and left the kids in her care and she

was to look after the children.

Q. Who do you mean?

A. Her mother. It was last summer I think, Mr. Bill McIntosh was with us, kind of a family affair, when we got back David was out in the gulf and the waves breaking all over him, wave knock him down and they were standing there laughing and didn't have any idea any more than I did where the children were.

Q. Where does Mrs. Carter live?

A. On the corner of Bay View and Nichols.

Q. Where, in relation to the house on White Avenue?

A. About three blocks.

Q. How far away from Live Oak cabins?

A. Two short blocks.

Q. Can you state to the Court whether or not to your own knowledge intoxicants are used by your wife or her family in front of the children where they are not living and to what extent?

A. Yes, I can.

Q. To what extent are they used?

A. I have seen Harriet when she was living in the cabins down there with some of her boy friends sitting around drinking - and the kids playing around the house.

Q. How many times did you observe that?

A. A couple of times.

Q. What time of day or night was it?

A. Around eight or nine in the evening.

Q. How many men were there at that time?

A. Two at that particular time.

Q. Do you have an opportunity to observe her sobriety?

A. No sir.

Q. Did you have the opportunity to observe the sobriety of your wife prior to or since separation of you and her, in public?

A. Prior, I did.

Q. Have you had occasion to see her under the influence of intoxicating liquors in public?

- A. Not when she was with me because I wouldn't abide it, outside of a few times been out and had a bottle of beer.
- Q. Have you seen her in an intoxicated condition since the separation?
- A. No sir.
- Q. Mr. Jones, in your opinion is your wife a fit and proper person to care for the children?
- A. No sir.
- Q. In your opinion are you in position to and are you a fit and proper person to care for the children?
- A. Yes sir.
- Q. Will you state to the Court if you are granted the custody of the children how you plan to care for them while you are working?
- A. My mother and dad have agreed to move to Fairhope to establish a home and help me raise them if I get custody of them.
- Q. Will you state to the Court exactly the age of your parents or their station in life?
- A. They are retired. My mother is fifty-seven and dad is sixty-nine.
- Q. What was his former occupation?
- A. Farmer.
- Q. Where are they now living?
- A. East Texas.
- Q. State to the Court whether or not they are Church members or regular in their attendance, your family?
- A. One is a Methodist minister. All the rest belong to the Methodist Church and are active members.
- Q. Active in the work of their Church?
- A. That's right.
- Q. Mr. Jones, will you state to the Court whether or not you are a member of any Church and are active in that Church, if any?
- A. Yes sir.
- Q. Exactly what kind of activity are you engaged in in the Church to which you belong?
- A. I don't like to use things like that in this case.
- Q. I understand your feeling but the Court needs to know, can you tell us whether or not you are active in the Church and if so to what extent?

- A. Yes sir. I am a Steward in the Methodist Church. I am Youth Counselor at the Fairhope Methodist Church and for Baldwin County.
- Q. Have you been an active member in the Church ever since you came to Fairhope?
- A. Yes sir. I joined as soon as my letter could be transferred.
- Q. Prior to the time this bill was filed in this case?
- A. Yes sir.
- Q. Mr. Jones, have you ever to your knowledge, had head lice in your hair?
- A. No sir.
- Q. Would there be any possible way in the world for them to be transmitted to your children from your comb?
- A. There wasn't any way. I was the only one in the family who never did catch them when we were living together she examined my head and never found any. She caught them and both the kids had them.
- Q. Mr. Jones, - we will leave that for a moment - and move to your ability to support your children in their present station in life and the manner in which you can contribute to their support, what are your present earnings?
- A. Two Hundred and Thirty Dollars less Eleven Dollars for retirement benefits the company holds out, Social Security Thirteen Dollars and Forty cents less Two Hundred Thirty Dollars.
- Q. You receive Two Hundred Thirty Dollars less Thirteen Dollars and some odd cents each month?
- A. Yes sir.
- Q. Can you state to the Court how much of the time in your present occupation you spend traveling at the company's expense each week?
- A. Not over seven nights out of the month. I get paid for the nights I spend away from home.
- Q. Expenses figured on how many nights you are away from home?
- A. Right.
- Q. Hotel bills paid?
- A. And meals.

- Q. And the times you are traveling on the company's business, as I understand Mrs. Jones testified to automobile expenses are paid?
- A. It's a company car. They pay all the expenses.
- Q. Does the company contribute anything to your own living expenses other than the automobile expenses and the meals and hotel bills seven nights a month?
- A. No sir.
- Q. Other times you pay your own personal expenses?
- A. Yes sir.
- Q. Where are you now living, Mr. Jones?
- A. I don't know the name of the people, Bessie Allegri Apartment.
- Q. How much does it cost you a month?
- A. Thirty dollars plus bills.
- Q. How much does it cost you each month to live, food, clothing and a place to stay at the present time?
- A. All I make I guess, figure it up pretty close.
- Q. Can you give the Court some idea of how much it costs you a month to eat?
- A. Costs about forty-five to fifty cents for breakfast, around eighty-five to ninety cents for lunch and a dollar and a quarter to a dollar thirty-five for evening meals.
- Q. As I understand it, at the present time you are eating all of your meals out, is that correct?
- A. Yes sir.
- Q. How much do you figure it costs a month for your clothing and laundry?
- A. Laundry and cleaning about, between three and five dollars a week.
- Q. About clothes, re-placements in your clothes?
- A. I don't know. Buy a few along whenever I can except one time I bought a suit right after we separated.
- Q. How many suits do you now own?
- A. Two suits.
- Q. Mr. Jones, will you state the nature of your job and how you have to dress for it?
- A. I'm a salesman.



Q. What kind?

A. Work for Corn Products, Karo, etc. I call on wholesales, City Sales and Delchamps.

Q. You are required to dress accordingly?

A. I can't dress in khakis.

Q. Your job is in personal contact with the buyers?

A. Right.

Q. Mr. Jones, is it to the best interest of your children that they be given in the care and custody, be given to you or to their mother?

A. To me.

#### ON CROSS EXAMINATION

By Mr. Thompson

Q. You stated that your father was a farmer, then you stated right after that he was a minister. Was he a farmer and a minister?

A. I stated my brother is a minister.

Q. The children wasn't going to live with your brother?

A. I had two alternatives, whichever- whenever if I could be transferred back to Texas and have him to help me.

Q. You have testified on direct examination as to your Church affiliations. Isn't it true after the separation you didn't attend regularly until along the first part of this year?

A. You can ask the people in Fairhope.

Q. I am asking you?

A. Yes, I did.

Q. Attended regularly at all times?

A. Yes sir.

Q. On the basis of figures you have given you would spend approximately One Hundred and Sixty-six dollars and fifty cents if you were away from home that much in addition to this money you testified for the Allegri Apartments. How much did you say you spent on the apartments?

A. We pay thirty dollars plus bills.

Q. What bills?

A. Lights and gas, water.

Q. You said we. Someone else share that apartment?

A. Andrew Gabel.

Q. Anybody else?

A. No.

Q. You two maintain a bachelor's apartment?

A. Yes sir.

Q. That cuts your expense there to Fifteen Dollars?

A. That's right, and half of the bills.

Q. On the basis of the laundry of five dollars a week, does that mean you have your suit cleaned every day?

A. No sir.

Q. How often you don't usually wear a suit?

A. I wear slacks. In the winter I wear a suit.

Q. Then that might be a little high?

A. No sir.

Q. Still be five dollars a week?

A. I believe it would.

Q. What is your territory?

A. From Pascagoula, Mississippi to Panama City, Florida.

Q. What part of that territory are you out over night?

A. Pensacola, Panama City. Work back and forth Mobile, those are my principal towns, Mobile, Pensacola and Panama City.

Q. Isn't it true you work north of here as well?

A. I work Jackson and Brewton.

Q. You work Jackson and Brewton?

A. Yes.

Q. You don't stay out over night?

A. One night usually when I make that run.

Q. I show you here a check, you see if that was a stub from a check issued to you?

A. Looks like one.

Q. Mr. Jones you testified you took out Fourteen Dollars. I will ask you to read the amount of deductions and the amount after deductions.

A. Shows unemployment twelve cents, hospitalization twenty cents, withholding sixty cents and old age benefits one seventy-three, that's all.

- Q. Leaving a balance due you of how much?
- A. One hundred and twelve dollars and thirty-five cents. Doesn't that have a date on it. I wasn't eligible until I had been with the company two years which was May 24, for these old age benefits, that's an old stub, before I had been with them two years.
- Q. The difference between this would be about two sixty-five?
- A. No sir. Add eleven to it and you will get it since I have been have become eligible for pension after I have been with the company for two years.
- Q. Means something covered by hospitalization and when you get sixty-five - In the nature of a bank account for your old age?
- A. That's right. In case of my death it's left to the estate or whatever you call it for the dependents.
- Q. Do you recall approximately the first time you noticed head lice on the children?
- A. Yes sir. When we lived in Amarillo, Texas, her sister came to stay with us when Cathy was born.
- Q. You caught them then?
- A. David did. I don't know when Cathy got them, kids pretty young.
- Q. You don't know when that was?
- A. No sir.
- Q. You testified the children did have them while you were living in Fairhope?
- A. Right.
- Q. You didn't know to clean the beds and sheets?
- A. At that time I thought you got rid of them out of the hair.
- Q. You didn't know Fairhope had a general infestation of them?
- A. No sir.
- That's all

ON RE DIRECT EXAMINATION

By Mr. Bennett

- Q. To your knowledge were these children ever been in the Fairhope Public Schools?
- A. No sir.

ON RE CROSS EXAMINATION

By Mr. Thompson

Q. They were not prevented from meeting or playing with other children around the house?

A. Played with her sisters most of the time.

Q. Answer the question. Were they prevented from meeting and playing with other children on the streets?

A. When I was at home.

Q. Before?

A. I don't know what they did after.

Q. After the separation they were denied the right to play with other children in that neighborhood?

A. I don't know. I heard they were.

That's all.

Mr. Charlie Moore having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Bennett

Q. Will you state your name and residence, Mr. Moore?

A. Charley Moore. I live at Fairhope.

Q. Are you over the age of twenty-one years?

A. Yes sir.

Q. Where do you live in Fairhope ~~via~~ in relation to Mr. and Mrs. Jones?

A. In the adjoining house.

Q. On the adjoining lot?

A. Yes sir.

Q. Mr. Moore, in the time you have known the respondent and the rest of the parties to this case, have you had occasion to observe the conditions under which the children have been kept by Mrs. Jones?

A. I have.

Q. State in your opinion if that has been fit and proper?

A. Wasn't what it should have been.

Q. State whether or not in your opinion Mrs. Jones is a fit and proper person to have the care, and custody of these children?

A. I'd rather not say on that.

Q. You stated the care of the children was not what it should have been, can you explain that statement, in what manner, in relation to cleanliness?

A. Well, a lot of times I have had to go get them and bring them out of the street to keep them <sup>from</sup> getting run over. I have seen them wandering over the streets in Fairhope in the neighborhood.

Q. Wandering around in the neighborhood?

A. Right.

Q. Know who might have been at home looking after them?

A. Mrs. Jones was in the house.

Q. She generally was in the house?

A. She was.

Q. And the children wandering around in the neighborhood?

A. Yes.

Q. Have you had occasion to observe the kind of care given by the colored girl employed by Mrs. Jones during the day?

A. She had one colored girl kept the children clean, young girl stayed about a week or two but lots of times they were out and especially the little boy, she kept the girl in the house with her this colored girl did.

Q. Will you state whether or not the children appeared to have been kept properly clean and clothed?

A. They weren't.

Q. Not properly clean?

A. No.

Q. In what manner did you have occasion - what was wrong?

A. Wouldn't take much to change a diaper on a baby.

Q. Clothes dirty?

A. Yes.

Q. Shoes appear clean or dirty?

A. I don't know about the shoes. Seen them half day at the time look like been eating dirt, britches wet dragging in the ground and half the time falling off.

Q. You stated it didn't take much time to change a diaper, how long did she wear the same diaper?

A. I have seen Cathy go a half a day at the time with wet diaper playing in my yard.

- Q. Do you have children of your own?
- A. One girl six years of age.
- Q. Have you had occasion to observe this head lice condition?
- A. I have.
- Q. Your girl get infested?
- A. I got rid of them.
- Q. How long did it take you to get rid of them?
- A. I went to Meyer's Drug Store to buy - and he gave me a prescription to use on her head.
- Q. Mr. Moore, do you know of your own knowledge whether or not the children have been properly fed?
- A. I don't know about that.
- Q. You don't know how they were fed?
- A. No.
- Q. Know anything about the hours the children were put to bed in the evening?
- A. No I don't. Most of the time down at the cabins.
- Q. You referring to Live Oaks cabins?
- A. Yes.
- Q. Is that the cabins managed by Mrs. Carter?
- A. Right.
- Q. Same cabin Mrs. Jones lived in?
- A. Went down there - - -
- Q. Have you had occasion to observe the care given the children under which existed in the care of Mrs. Carter?
- A. I never did hang around down there, just when they would be at the house.
- Q. Mr. Moore have you ever seen Mrs. Jones in the presence of the children in an intoxicated condition?
- A. No I haven't.
- Q. Have you had occasion to know whether or not she uses profanity?
- A. Well maybe damns. I don't consider that profanity.
- Q. Mr. Moore have you done anything to attempt to improve the care or custody of these children since you have had occasion to observe them?

- A. I got in touch with the Health Department and told them the condition of the children's hair and asked them to please investigate.
- Q. Were you requested by Mr. Jones or his attorneys to do that?
- A. I was not.
- Q. Isn't it as a matter of fact they both asked you to withhold that while the custody of the children was pending in court?
- A. Yes.
- Q. Do you know what the results of the investigation was?
- A. The children seem to have been cleaned up a little.
- Q. How long have they looked like they were in better shape?
- A. They look better all along.
- Q. Since the time of the investigation?
- A. Yes sir.

ON CROSS EXAMINATION

By Mr. Thompson

- Q. Mr. Moore, which one of those children wear diapers?
- A. Cathy, the little girl.
- Q. You know that?
- A. I wouldn't swear if they were diapers or training pants. What's the difference if they are nasty?
- Q. Over what time of day did you see them?
- A. I have seen them all hours of the day.
- Q. Where you work?
- A. Coastal Petroleum.
- Q. What time you at home normally?
- A. I change shifts, work from seven to three, from three to eleven and from eleven to seven, runs in two weeks shifts.
- Q. So you get a chance to observe them at all hours?
- A. Yes.
- Q. Would you say your child hasn't been there in the past two weeks?
- A. She has come through the yard I guess, preacher lives next door and she goes and plays with the little girl.
- Q. Children go up there and play with the little girl?
- A. I don't know.

Q. Now whom did you call in the Health Department?

A. I called - I don't know the person's name, I asked for the Baldwin County Board of Health.

Q. Where?

A. Bay Minette.

Q. Who came down there?

A. I don't know that.

Q. You don't know?

A. I was told a representative came by to see me went by to see two other \_\_\_\_\_ and had to ask where to see her.

Q. You don't know whether they did anything or not?

A. Yes sir, I do, I had a letter, I still got it here, had a representative down there and investigated and said the case would be ironed out, that they understood the mother and father were getting a divorce and it would all be ironed out then.

Q. Had you ever spoken to Mrs. Jones about the condition of her children?

A. No I hadn't.

Q. You just up and called the Health Department?

A. After it went so long.

Q. You don't know Mrs. Jones knew it occurred or not you didn't comb her hair?

A. I seen the lice.

Q. You combed her hair?

A. No sir, I didn't have to, I just looked.

Q. Could you state exactly when that was?

A. No, not to date. I have seen it time and time again.

Q. How frequently? How far apart?

A. I saw it before I got in touch with the Health Department and I saw it after Hollie had the little girl up at Church one day, I saw them up there then.

Q. You were interested in the children?

A. I was. The little boy was going to dancing school where my daughter was and I didn't want to see them spread it all over the town of Fairhope.



Q. It was so noticeable?

A. They were.

Q. Did you talk to the people at the dancing school?

A. I did not.

Q. Did you, - you just called the Health Department?

A. That's right.

That's all

Mrs. Irene Beatty having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Bennett

Q. Will you state your name and residence please?

A. Irene Beaty, Fairhope, Alabama.

Q. Mrs. Beaty, are you acquainted with the parties to this case, Harriet and Hollie Jones?

A. Yes.

Q. Your acquaintance with those two parties close?

A. Has been at times.

Q. Do you know them both?

A. Very well.

Q. Are you related to either of the parties?

A. Not by blood. My husband is an uncle of the lady, Harriet. My husband is her mother's brother.

Q. Your husband is Mrs. Jones' mother's brother?

A. Yes.

Q. Mrs. Beatty have you had occasion and opportunity to observe the kind of care and treatment given the children of these parties since their separation?

A. I have had opportunity to observe their physical care and well being, I have.

Q. Have you had occasion to observe the condition in the home since the separation?

A. Yes sir, I have.

Q. I will ask you whether or not the care of the home you have seen maintained is a fit and proper home in which to care for these

A. I am sorry to say I think it is a very poor place.

Q. Can you state to the Court what in detail leads you to make that statement?

A. Most parents who love their children take care of them and these children are shown to be neglected until it is the talk of the whole town, not only from my own observation but what plenty of others have told me -

MR. THOMPSON: I object to what she has been hearing.

THE COURT: Just confine what you say to what you see.

A. I have seen lice in the children's hair. I have seen their clothes were not attended to, ragged, buttons off and everything that showed a lack of interest on the mother's part.

Q. Mrs. Beatty have you had an opportunity to observe them, whether they are devoted to the children since the separation?

A. I haven't been around since the separation.

Q. Did you have an opportunity to observe them prior to the separation?

A. Yes. I have a definite knowledge that she had different baby sitters, continually changing, and children needs an established home to have a feeling of confidence in, and those children don't have it.

Q. Prior to the time of the separation do you know whether or not the mother spent much time in the evenings with them?

A. That was when she had baby sitters if her husband was out of town.

Q. Most of the time the children were in the care of first one baby sitter and then another?

A. Right.

Q. Have you had an opportunity or an occasion to observe the care given by the baby sitters to these children?

A. No.

Q. Have you had occasion to observe them for their cleanliness?

A. Mostly I think what they had were clean - -

Q. Have you had an opportunity to observe the love and devotion by Mrs. Jones, the mother, when they might have been in her care?

A. Yes, <sup>and no.</sup> and I know when someone was around she was very affectionate.

Q. What do you mean by "no"?

- A. I can't say anything definite, I can't cite any special time. I do know it was different at other times.
- Q. Do you know whether or not the children were fed regularly?
- A. Yes, I definitely know they were not.
- Q. Can you cite instances on which you base that answer?
- A. They were fed when someone happened to think about it when the father was not home-
- Q. You know that of your own knowledge?
- A. I do.
- Q. I ask you if you know of your own knowledge whether or not Mrs. Jones ever used intoxicants in the presence of the children?
- A. That I don't believe. To my knowledge she never drank in front of them.
- Q. Do you know of any efforts of your own knowledge, any efforts made by the mother to improve the care of the children were getting prior to the time of the separation or since the time of the fact of the head lice?
- A. No.
- Q. Mrs. Beatty, in your opinion is Mrs. Jones a fit and proper person to be awarded the care and custody of these children?
- A. As she has been behaving, no. I know she is capable of being different.
- Q. In your opinion is Mrs. Jones a fit and proper person to have the care and custody of the children?
- A. I think the man if he has the opportunity to have someone care for them, the possibility to get his mother or someone to give the children the kind of care a child needs.
- Q. Then you believe he would be the proper person to have them?
- A. Yes. He has proven it so so far.
- Q. In your opinion it would serve to the best interest of these children, would be best for the care and custody to be awarded the father rather than the mother?
- A. Under the circumstances I do.

ON CROSS EXAMINATION

By Mr. Thompson

Q. Mrs. Beatty, when did you have your disagreement with the Carter family?

A. I have avoided a disagreement. I have stayed away.

Q. You haven't been having an argument frequently?

A. Not frequently I haven't had anything to do with them. To avoid any unpleasantness I have stayed away. We couldn't agree with what they were doing so we stayed away.

Q. You stated you had seen the children. If you stayed away where did you see them?

A. Seen them on the street. I have seen them. They have been brought to my home and I have seen them at the cabins and I have seen them go with their parents -

Q. You didn't stay away?

A. As I passed by I could see them.

Q. In a car?

A. Yes.

Q. How did you know how they were fed?

A. I was basing my judgment prior to the last few months. I have known this girl since she was this high (indicating).

Q. You have pointed out to the Court that Mr. Jones would be suitable person to have them and setting out - how would he care for the children in view of the job he holds?

A. He has arrangements made.

Q. You are stating that by way of a proviso/ Do you know his mother?

A. No, I do not.

Q. You wouldn't know her if you met her?

A. No sir, I wouldn't.

Q. How do you know they changed baby sitters Mrs. Jones?

A. My name is Beatty. To tell you the man who worked for us whose sister in law sat for them -

Q. And she told you about it?

A. She did.

MR. THOMPSON: We move to strike everything except what she actually knew of her own knowledge.

A. I have seen various ones as we passed.

THE COURT: Deny the motion.

MR. THOMPSON: Except.

Q. You tell the Court no ill will between you and the Carter family?

A. I didn't say that. I said we hadn't had no disputes. We stayed away.

Q. That has been ill will?

A. If you see something you can't stop isn't it better to stay away? Took the girl off by yourself and talked to her trying to avoid this and it's like pouring water on a duck's back. I thought she thought enough of me to listen.

Q. So you felt if she wouldn't?

A. I would stay away.

Q. You felt if she wouldn't listen to you she shouldn't have the children?

A. No, I am not that narrow. Just because somebody does something I wouldn't take their children. A real mother will protect them with her life. When a mother dumps them from one unrepented colored woman here and there and she didn't have to do that. It was her own choosing.

Q. Did she have an income?

A. She had plenty.

Q. How much did she have?

A. Many mothers have gotten along on much less.

Q. How much?

A. I am not sure. I was told.

Q. Did you say those children's lives are in danger?

A. In danger, from neglect and running the streets is dangerous.

Q. Are they the only children in Fairhope on the streets?

A. This is not the only neglectful mother in Fairhope or any place else.

Q. Only children who are neglected are in the streets?

A. There is a good many of them. What do you think about it. If a mother loves her children will she let them run the street?

THE COURT: Don't ask him questions, Mrs. Beatty, just answer his.

A. He asks such foolish questions.

Mr. William J. McIntosh, being first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Bennett

Q. Will you state your name and residence?

- A. Name and residence? William J. McIntosh, Fairhope, Alabama.
- Q. Mr. McIntosh, do you know the parties to this case, Harriet and Hollie Jones?
- A. I do.
- Q. How long have you known those two people?
- A. Hollie approximately three years and Harriet seven or eight.
- Q. During that period of time has your relation been close, closely acquainted, acquainted with their home lives?
- A. I am.
- Q. In that time have you had an opportunity to, during that period of time, to learn the care and custody given these children by their mother prior to the separation of the parties?
- A. I do.
- Q. Had occasion to acquaint yourself with the conditions of the home?
- A. I have.
- Q. The home life maintained by Mr. Jones and Mrs. Jones prior to the separation and after the separation?
- A. I have.
- Q. Basing your opinion on that acquaintance is it your opinion Mrs. Jones has given these children prior to the separation of the parties proper and fit care?
- A. No, I wouldn't think so.
- Q. On what facts do you base that answer?
- A. Mr. Jones out of town and I know the kids don't get the right care, my wife and I, Hollie get back and clean them up and then they are all right.
- Q. Conditions appeared a great deal improved when he was in town over the time he was out of town?
- A. They did.
- Q. Have you had occasion to see the condition of the children since the separation?
- A. Not in the custody of Mrs. Jones. Seen Mr. Jones when he brought them by the house.
- Q. After the separation? Have you had occasion to acquaint yourself with the home maintained by Mrs. Jones since the separation?

- A. No, I haven't.
- Q. Your testimony is what you knew in connection with the period of time prior to the separation?
- A. Yes, that's right.
- Q. Have you had occasion to see the physical condition of these children since the separation?
- A. Yes sir. When Mr. Jones would have them on weekends he generally bring them by the place to play with our kids and they had head lice and I asked him in a nice way not to bring them by any more not to bring them in the house -
- Q. Has he been back in your home with them?
- A. No sir. Mr. Jones brought them by managed to stay five or ten minutes, not bring the kids in the house.
- Q. Have you had an opportunity to observe the amount of time this mother spends with the children prior to the time of the separation?
- A. Will you repeat that please?
- Q. Have you had an opportunity to observe the amount of time this mother spent with the children in the evenings prior to the separation?
- A. On several occasions my wife and I go by when the baby sitters were taking care of the kids and Mrs. Jones wasn't there at all. I don't know where she was.
- Q. Who would be in charge of the children?
- A. Baby sitter. I don't know her name.
- Q. Same baby sitter?
- A. I have seen the same one on numerous occasions. Her daddy runs the state liquor store in Fairhope.
- Q. You don't know her name?
- A. No, I don't.
- Q. Mr. McINTosh, in your opinion is Mrs. Jones a fit and proper person to have the care and custody of these children?
- A. My personal opinion, no. Anybody who didn't take care of the kids any better than she has.
- Q. In your opinion is Mr. Jones a fit and proper person to have the care and custody of them?

- A. I would think so, yes sir. I have known him three years. I have known him and he seems to be an outstanding fellow.
- Q. Do you know whether or not he has an interest in the welfare of the children?
- A. Yes, I know that.
- Q. In your opinion would the welfare of the children be best served by awarding the care and custody to the mother or to the father?
- A. To the father.

ON CROSS EXAMINATION

By Mr. Thompson

- Q. Mr. McIntosh, you have been talking about the time when they were living together. That's when you formed your opinion?
- A. Right.
- Q. You don't know anything about the actual care of the children since then?
- A. No sir.
- Q. Been in that home since the separation?
- A. No sir.
- Q. Do you approve of baby sitters?
- A. Not too often.
- Q. You feel that if baby sitter is there too often it's bad?
- A. I think so.
- Q. In that situation you think it was too often?
- A. I think so.
- Q. Still living together?
- A. He was out of town.
- Q. You state you came by to see the welfare in danger, what time did you see those children. What time of day did you see them that convinced you their welfare was in danger?
- A. After supper, around dusk.
- Q. What would be their condition?
- A. All I know about the welfare, they were always dirty.
- Q. About dusk?
- A. Just plain filth.
- Q. About dusk in the evening?
- A. Yes.



- Q. Is it normal for children playing to get dirty?
- A. Yes, and it's normal for them to be cleaned up, my wife cleans up our kids.
- Q. You know they were never cleaned up?
- A. When Mr. Jones came in town.
- Q. Between times?
- A. I know between times just when I would see them.
- Q. You only see them in the week when they were around the house - ?
- A. No. I would see them at other houses too. We used to go down and play cards.
- Q. What time?
- A. After supper.
- Q. Clean after supper?
- A. Right.
- Q. But after dusk they were dirty?
- A. That's not what -
- Q. You go around six thirty or seven that's after or about dusk?
- A. Yes.
- Q. Did you see them after they had been put to bed when Mr. Jones wasn't there?
- A. No sir.
- Q. Know whether or not they were cleaned up?
- A. No.
- Q. See them cleaned up in the mornings?
- A. No.
- Q. Do you know whether or not they were cleaned up?
- A. No. Only time I was there was when we went by at night.
- That's all

ON RE DIRECT EXAMINATION

By Mr. Bennett

- Q. Mr. McIntosh, these hours you have had occasion to see them during the week when Mr. Jones was out of town are the same hours of the day as the hours you saw them on weekends?
- A. Yes sir, didn't vary half an hour one way or another.

ON RE CROSS EXAMINATION

By Mr. Thompson

Q. Know whether or not she had eaten when you come by in the middle of the week?

A. I don't know.

THE COURT: On numerous occasions did you say she would be left?

A. That's right, and we would take off and come back home. We have returned and the baby sitter still be in the house after the first visit, - I wasn't trying to - - - - them but after the first visit we take a ride and ride by the house later on and see, - occasionally pay a visit and found the baby sitter, a little eleven year old girl there and little Cathy asleep on the floor and David running around more or less on his own.

ON RE DIRECT EXAMINATION by Mr. Bennett

Q. Mr. McIntosh I will ask you if you know whether or not Mr. Jones was employed at that time?

A. Yes sir he is employed.

Q. Mrs. Jones?

A. No sir.

ON RE CROSS EXAMINATION

By Mr. Thompson

Q. When, can you give a time when these trips were, you were by the house?

A. I don't remember certain date, I couldn't name the day of the week.

Q. Any occasion?

A. During the week.

Q. Know how many times?

A. Two or three times.

Q. Every week?

A. Yes sir.

Q. Can you tell the Judge what months those trips were?

A. Let's see, I was working, - since they separated, five or six months before this last separation here -

Q. You don't know whether she was working for Lee Parker, you know when she was working for Lee Parker?

A. Couple of weeks before she workes for Lee Parker or any place.

Q. The children looked neglected?

A. Yes sir, they did.

Q. You haven't seen them lately?

A. Only time when Mr. Jones had them and I saw the head lice, within the last few weeks Mr. Jones brought them over show me, - - - - -

MR. THOMPSON: I move to strike,

A. I have seen the lice.

Q. When did you see them?

A. Around April of this year. Hollie hasn't had the kids by in two months. The last time was in April or May that he had them by.

MR. BENNETT: We rest.

Mrs. Howard T. Meyers, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Thompson

Q. State your name.

A. Mrs. Howard T. Meyers.

Q. Mrs. Meyers, do you know the parties to this suit?

A. Yes, I know both of them.

Q. Do you live in Fairhope?

A. Yes sir.

Q. What Church do you attend?

A. The Methodist Church.

Q. Have you seen the children at church? Or at Sunday School?

A. At Sunday School.

Q. You saw them when Hollie Jones brought them?

A. Yes.

Q. Ever see them when the Plaintiff brought them?

A. Yes.

Q. You have seen her bringing them?

A. Yes, sir.

Q. Children attended with reasonable regularity?

- A. In the last year I couldn't say about that. Before that I saw the little boy there regularly.
- Q. You have seen him last year?
- A. Yes.
- Q. Have occasion to observe him with any closeness?
- A. Yes. Last summer a year ago in two weeks time Mrs. Jones helped me with the Bible School.
- Q. You haven't had occasion to observe the children closely within the past twelve months?
- A. Yes I have until I gave up teaching I have been back, been with the little boys.
- Q. Did he have the appearance of having any disease of any kind or an infestation?
- A. No.
- Q. Appeared normal, healthy?
- A. Very.
- Q. In your opinion would you say they were cared for properly?
- A. Yes, I would say they were cared for properly.
- Q. In your opinion do you feel Mrs. Jones is a proper and suitable person to have the care and custody of that boy?
- A. I certainly do. I worked with her in Sunday School.
- Q. The little girl also?
- A. Yes, I do.
- Q. During last summer when Mrs. Jones was teaching in Bible School did you have occasion to keep her children?
- A. I kept the little girl. She offered to teach and it is very unusual, she came to me and asked if she could and I said I would make arrangements for the little girl if she would teach, we needed teachers.
- Q. You didn't notice any infestation?
- A. No, I kept the child with me. I kept the little girl myself and she always, seemed to me, clean and healthy.
- Q. What was your capacity?
- A. Director of Bible School.

ON CROSS EXAMINATION

By Mr. Bennett

Q. Mrs. Meyers, you stated you had given up teaching, what time was it you gave up teaching?

A. During the latter, right close to Christmas time, I finally found a teacher, wouldn't be willing to say exactly but it was about that time. Since then my work keeps me every other Sunday away from Church at that time I attended Sunday School and Church.

Q. As I understand it you attend every other Sunday?

A. Every other Sunday. Sometimes the shift changes, not regularly, sometimes two Sundays in a row.

Q. What Church?

A. Methodist Church.

THE COURT: Have you had any contact with these people during the week, had occasion to observe the children during the last year any other than on Sundays?

A. I am sorry I haven't. Knew Harriet only through that period of time. I don't know anything of their trouble. I have seen the children. I have friends who live next door. As far as personal contact I haven't. I don't know how they are treated or cared for during the week.

Q. You personally have seen the hime and think the proper care - ?

A. I know what I call proper relation and care.

Q. Most of your observations are based on when they were at Church?

A. And with her cooperation and wanting to cooperate with the Church.

Mrs. C. F. Hawkins, being first duly and legally sworn,  
testified as follows:

ON DIRECT EXAMINATION

By Mr. Thompson

Q. Is this Mrs. C. F. Hawkins?

A. Mazie Hawkins, yes sir.

Q. Mrs. Hawkins, do you know he parties to this cause, Mr. and Mrs. Jones?

A. Yes, I do.

- Q. Have you had occasion to be in the home of Mr. and Mrs. Jones anytime during the past twelve months?
- A. Visited quite a few times.
- Q. On frequent occasions?
- A. Yes.
- Q. Do you have children?
- A. I have two.
- Q. Do those children go to Mr. and Mrs. Jones' when you go?
- A. Yes, play with her kids, been on my beds, wore my kids' clothes whenever they come over there I would let her have clothes to change them.
- Q. Will you tell the Judge how many times after all that you have noticed lice in the heads of the children?
- A. Never had seen lice, never had seen any in my kids' heads.
- Q. You tell the Court they slept in your beds?
- A. Yes, they slept in my beds.
- Q. You had occasion to visit in the home of Mrs. Jones. What is your opinion of the care given the children?
- A. Never seen anything wrong. Getas good care as mine do, everything as good as I do for mine.
- Q. Any complaint made about your care?
- A. No.
- Q. Would you, in your opinion, consider Mrs. Jones a proper person to have the care of her children?
- A. Yes.
- Q. Do they go hungry, pass their meal time?
- A. I have never seen it.
- Q. Do they wear ragged clothes?
- A. Not that I know anything about.
- Q. In the case of your children, any of them ever lose buttons?
- A. Why sure.
- Q. Normal for children?
- A. Normal for them to get dirty.
- Q. You stated you knew both parties to this cause, do you have an approximate idea of when they separated?

A. No, I don't.

Q. From your observation of your children you stated on frequent occasions, did you, would you say the children are in better condition or worse than at the time Mr. Jones was living there?

A. I have known her since December and as far as I know they are as well as any kids could be.

Q. In good shape?

A. I have never seen anything wrong, never known to be anything wrong.

Q. In your opinion these children would be benefited as to their welfare in the custody of their mother?

A. Yes.

#### ON CROSS EXAMINATION

By Mr. Bennett

Q. Mrs. Hawkins, did you state you had not seen the home prior to the time of the separation or prior to December?

A. I met her in December, 1949.

That's all

Mrs. B. E. Carter, being first duly and legally sworn, testified as follows:

#### ON DIRECT EXAMINATION

By Mr. Thompson

Q. You are Mrs. B. E. Carter?

A. That's right.

Q. You are the mother of the Complainant in this case, Mrs. Jones?

A. I am.

Q. Mrs. Carter have you had occasion since the separation of these parties to aid in caring for the children of the parties?

A. Yes I have had them just about every day.

Q. While you have had them, their care, as you stated, did you have occasion to look after their cleanliness?

A. Certainly had at least two baths a day and more often if necessary.

Q. How frequently, Mrs. Carter, did you find head lice on those children?

A. On several occasions after they had been with their father over night.

- Q. What was done to clean them up?
- A. Well we used what is called "Blue Ointment" and followed with a good shampoo and six or seven days later with another. Went to her house and sprayed the entire house with a strong solution of DDT all the clothes, combs were sterilized each time and also each time anything might have come in contact with at our house.
- Q. Other than the occasions you mentioned was there any other infections of other kinds?
- A. Absolutely not.
- Q. Can you tell the Court how many times you had to do that in order to clean them up?
- A. Seemed like too often, I don't know, say four or five times.
- Q. That you did that?
- A. Yes and the little girl has curls and is quite young and it was almost impossible to get the nits out of her hair. They would collect before noticed and would have to work and work and work with them and of course a child that age cries. The child was cleaned up each time and I was afraid all the time she was associated with my child ten years old, I know they were afraid of them.
- Q. Are you telling the Court on each occasion you actually got them clean?
- A. I know they were clean, everything came in contact and cleaned - even took clothes ~~by~~ and put them in the oven and baked them or ironed them or sent them to the cleaners anything came in contact with covers taken off the pillows and beds and sprayed with DDT.
- Q. Since your daughter has been working at the Grand Hotel have you given any aid?
- A. Yes, they are with me almost every day at some time in the day if they stay with someone else, the little boy doesn't like to stay with other people, stays at my house occasionally when I can't get home they stay with someone else. Most of his time is spent with me.
- Q. If the Judge grants the care, custody and control of these children to Mrs. Jones, are you in a position to help her with them?



A. They will be cared for. If I am not able we will hire competent people that will. Tried to investigate carefully but in doing you get wrong sometimes, get some bad, if we get one that is bad and don't like them found out they weren't capable we discharged them and put them in someone else's care. I intend to take care of that myself.

Q. Are you able to care for them?

A. I am at the present time. Sometimes I don't have competent help but I intend from now on to have more competent help in my business and I can devote more time to them.

Q. In your opinion Mrs. Carter, do you consider Mrs. Jones a competent, fit and proper person to have the care of those children?

A. I am proud of her. I raised her and I know she is capable.

ON CROSS EXAMINATION

By Mr. Blackburn

Q. Mrs. Carter, prior to the time your daughter and her husband separated after you moved to Alabama how closely did you live to them?

A. Well he spent five weeks in our home before she came, approximately that time, they moved to six or seven blocks from us. The house wasn't a very good house, it was a very sad house, holes in the floor large enough for post of beds to fall through, wasn't a very good house the one they moved to themselves, then they bought a small house three or four blocks.

Q. How long did they live in the house they bought prior to the time they separated?

A. I am not very good at dates, surely the record will show.

Q. You don't know?

A. I suppose I could sit and figure it out. I would say I suppose a year.

Q. Mrs. Carter during that year period of time Mr. Jones was a salesman?

A. That's right.

Q. Away from home a considerable amount of time?

A. Not as much as he was supposed to be on the job he had.

- Q. When he was away and those children were left with his wife, your daughter, isn't it a fact that a good many nights she was out and the children were in the care of a baby sitter?
- A. Absolutely never.
- Q. Mrs. Carter, what business are you engaged in?
- A. Myself? I have a tourist court.
- Q. Renting cabins to transits?
- A. Mostly families come in. My cabins are large and mostly families people with several in the family. They find it easier to keep house and cook, ordinarily there a week.
- Q. How much does your daughter drink?
- A. I would say very rarely if ever. I think occasionally she has a drink.
- Q. Have you seen her drink in the presence of the children?
- A. No sir.
- Q. Did she drink in the presence of the children with men other than her husband?
- A. Absolutely not.
- Q. Sometime ago Mrs. Carter, didn't the little boy go with you and your husband ~~to~~ and your daughter on a boat trip?
- A. Yes, he loves the boat. Its perfectly safe.
- Q. How long were you out on that boat that time?
- A. Usually stay out one night, an afternoon and one day.
- Q. Have any liquor aboard?
- A. No sir, neither my husband nor myself drink.
- Q. These lice, hasn't that condition existed with those children almost continuously since your daughter and Mr. Jones separated last September?
- A. No sir.
- Q. They have not?
- A. They have not.
- Q. The only times you noticed them were when the children visited him?
- A. Right.

Q. Mrs. Carter, isn't it a fact that everytime Mr. Jones carried the children out they were neater and better kept when in his custody and control than they were in the custody of your daughter?

A. That's not true.

Q. How many baby sitters have you had recently?

A. Haven't had what you call a regular baby sitter, had a maid the children were left in their care portion of the time didn't have what portion of every day with me.

Q. Mrs. Carter, were were you last Friday night a week ago?

A. I don't know.

Q. I will ask you if it isn't a fact that those two little children, sometime that night, quite late, left their home, the home where they were alone and walked down to the place where you were living crying?

A. I don't think so. I recall now. I was out of town and came in that evening when came in the baby sitter was at my house, a white girl incompetent as sometimes white girls not as good as colored girls with children with a very good old colored woman.

Q. My question was didn't they leave their home and go to your home crying?

A. I don't know. I wasn't there.

Q. Know where your daughter was on hat night?

A. She was at work.

Q. Were you there with her?

A. No sir.

Q. Then how do you know she was at work?

A. I was on the road on the \_- I dan't know.

Q. Isn't it a fact your daughter frequently goes out evenings and leaves the children at home with the baby sitter or alone?

A. Never alone. They have never been left alone at anytime. It is not necessary. They are positively not left alone.

Q. Isn't it a fact in the past year when Mr. Jones was away frequently the children, instead of being put to bed at times went to sleep

A. with their clothes on and on the floor?

A. No sir. I think he came in one time -

Q. Just answer my question please.

A. They were not.

That's all

Mrs. Jones was called back to the stand with the two small children

ON QUESTIONING

By Mr. Thompson

Your Honor, I would like to ask Mrs. Jones if she knows what caused the scar on the little boy's hand.

MR. BENNETT: I would like, and I believe it is proper procedure to excuse the children from the court room. If he wants to show what caused the scar it's all right but I don't like for her to have those little children in the court room. (The children were returned to the witness room and Mrs. Jones took the stand).

ON EXAMINATION

By Mr. Thompson

Q. Mrs. Jones what caused the scar on that baby's hand.

A. On Christmas Eve, not this past Christmas but the Christmas before I believe in 1948 we were getting ready to go to a family re-union, family get together that we have every Christmas, and Hollie brought some fireworks, he knows I don't approve in the first place, he didn't tell me about it and I heard David cry telling his Daddy "No, I don't want to, no I don't want to" and Hollie said "Harriet, look out the window" and I looked out Hollie was standing a little - made it go off in his hand, skyrocket .

Q. You are positive it was a sky rocket?

A. Positive.

Q. What did you do for treatment after that?

A. After, as I stated it exploded, Hollie grabbed hold of it and burned his hand, I got both of them in the car and carried them to Dr. Goddard's office.

Q. He didn't tell you he was going to have the baby fire it?

A. I didn't know he had that.

ON CROSS EXAMINATION

By Mr. Bennett

Q. Mrs. Jones, as he reached for the skyrocket he burned his hand?

A. I presume so. His hand was burned.

That's all

The foregoing is a true and correct copy of the evidence as taken and transcribed by me on the trial of said cause.

Filed this 8th day of August, 1950.

Ora S. Nelson  
Court Reporter

FILED  
AUG 7 1950  
ALICE J. BUCK, Clerk

FILED

SEP 27 1950

ALICE J. DUCK, Registrar

HARRIET C. JONES )  
Complainant )  
VS. )  
HOLLIE JONES )  
Respondent )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

To Hollie Jones, Respondent in the above styled cause:

You will take notice that on the 11th day of January 1950 the Judge of the Court made the following decree:

" TO THE REGISTER IN CHANCERY OF SAID COURT:

Upon consideration of the Petition of Harriet C. Jones filed in this cause, the same being duly read, considered and understood by the Court, it is, therefore, the Judgment of this Court, and it is ordered, adjudged and decreed by the Court that the Register of this Court hold a reference according to law, under the rules of this Court, and ascertain and report to this Court what will be a reasonable amount to be allowed to the Complainant, Harriet C. Jones, for her support and maintenance during the pendency of this suit, and that the Register of this Court give notice of holding of said reference according to law.

Done this the 11th day of January, 1950. "

You will take further notice that I have set the 23rd day of January 1950 as the day to hear the said reference, which will be held at my office in the Court House, in Bay Minette, Alabama at 10:00 A. M.

Witness my hand this 11th day of January, 1950.

\*

Register in Chancery

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: THOMAS N. SHEPHERD

172 Norwood Ave,

Buffalo, New York

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

WILLIAM MILLER

172 Norwood Ave,

Buffalo, New York

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

HARRIET C. JONES

and Complainant

HOLLIE JONES

Respondent

on oath, to be by you administered, upon HTM

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

Witness 6th day of June, 194 50

Register.

Commissioner's Fee, \$

Witness' Fees, \$



HARRIET C. JONES

Complainant

Vs.

HOLLIE JONES

Respondent

IN THE CIRCUIT COURT OF

DALEWATER COUNTY, ALABAMA

IN EQUITY

EC. 2405

Now comes the complainant and propounds Interrogatories to William Miller, 172 Norwood Ave., Buffalo, New York, a witness whose testimony, when taken, will be material evidence for the plaintiff on the trial of the above cause.

Interrogatories to William Miller, witness:

First: Do you know Harriet C. Jones the Plaintiff in this case?

Second: Do you know the defendant in this case, Hollie Jones?

Third: Do you know of any instance when the respondent threatened or abused the complainant?

Fourth: State each time to the best of your personal knowledge or recollection when the respondent abused the complainant and tell what occurred.

Fifth: Were you present in the home of Harriet C. Jones at any time on the day of Dec. 27, 1949?

Sixth: At what time on that day were you present and who else was present while you were there?

Seventh: Did you know of the arrival at the home of Harriet C. Jones, of Chester Hawkins during that day?

Eighth: With whom did you arrive? What time did you arrive? Who did you find present when you arrived?

Ninth: About what time did you depart from the presence of Harriet C. Jones and did any one leave with you? When did you leave in the house when you departed?

Tenth: What was the location of the house where you called on Mrs. Harriet C. Jones on Dec. 27, 1949? Was it in Fairhope?

Eleventh: Did you at any time see or know of Mrs. Harriet C. Jones committing adultery with any party known or unknown to you? If so state.

Twelfth: Where were you calling on Mrs. Harriet C. Jones on Dec.  
27, 1949?

*C. Le Moir Thompson*  
Attorney for the Plaintiff

STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me *Shuster*, a Notary Public in and for  
said State and County, personally appeared C. Le Moir Thompson who being  
by me first duly sworn deposes and says: That he is agent and attorney for  
the plaintiff, Harriet C. Jones; that the witness whose testimony is to be  
taken is a non-resident of the State of Alabama, residing in Buffalo, New  
York; that the witness, William Miller, is a material witness for the  
plaintiff and his evidence to be secured by this deposition will be material  
evidence for the plaintiff on the trial of this cause.

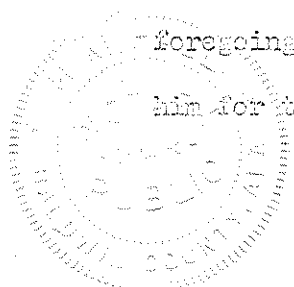
*C. Le Moir Thompson*  
Attorney for the Plaintiff

Sworn to and subscribed before me this 25 day of May, 1950.

*Shuster*  
Notary Public

The name of Thomas W. Shepherd, 172 Norwood Ave., Buffalo, New York  
is suggested as a fit and suitable person to take down the answers to the  
foregoing interrogatories and it is requested that a commission issue to  
him for that purpose.

*C. Le Moir Thompson*  
Attorney for the Plaintiff



HARRIET C. JONES

Complainant

VS

HOLLIE JONES

Respondent

INTERROGATORIES

From the law office of

C. LeNoir Thompson

Bay Minette, Ala.

FILED

MAY 125 1950

ALICE J. DUCK, Registrar

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: Malcolm M. Guinn, Attorney At Law

119 East Palestine Street,

Rusk, Texas

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 \_\_\_\_\_

John W. Jones

# 2

Alto, Texas

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

Harriet C. Jones

\_\_\_\_\_, Complainant  
and Hollie Jones

\_\_\_\_\_, Respondent

on oath, to be by you administered, upon \_\_\_\_\_ him \_\_\_\_\_  
to take and certify the deposition \_\_\_\_\_ of the witness \_\_\_\_\_ and return the same to our Court, with all  
convenient speed, under your hand.

Witness 23rd day of August, 1950.

*Alice J. Rusk*  
Register.

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

HOLLIE JONES  
Respondent

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

NO. 2405

Now comes the Respondent and propounds interrogatories to John W. Jones, Route # 2, Alto, Texas, a witness whose testimony, when taken will be material evidence for the Respondent on the above cause.

Interrogatories to John W. Jones, witness:

First: Do you know and are you related to Hollie Jones,  
the Respondent in this case:

Second: Do you know the minor children born to the Complainant and Respondent since their marriage?

Third: How many children have you raised in your home?

Fourth: State the present age and occupation of each of your children.

Fifth: What is your age?

Sixth: Do you stand ready and are you now planning to move to Alabama and assist the Respondent in the maintenance of a home for the above minor children in the event the Respondent is awarded the general custody and care of the children?

Seventh: If so required by the Court, would you maintain your home in Baldwin County, Alabama?

Eighth: What is your present occupation, if any?

Ninth: Would your business interests interfere in any manner with your ability to move and maintain a home for the Respondent and his children?

Tenth: What is the age of your wife, the mother of the Respondent?

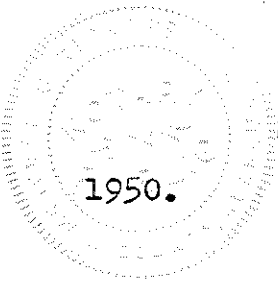
Eleventh: Are you an active member of any church?

Twelfth: If your answer to the above question is yes, please state the name of that church and any offices held in it by yourself or your wife.

Solicitor for Respondent.

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me, Elliott G. Rickarby, Jr., a Notary Public in and for said County and state, personally appeared J. Jefferson Bennett, who being by me duly sworn deposes and says: That he is agent and attorney for the Respondent, Hollie Jones; that the witness whose testimony is to be taken is a non-resident of the State of Alabama, residing at Route #2, Alto, Texas and that the witness, John W. Jones is a material witness for the Respondent and his evidenced to be secured by this deposition will be material evidence for the Respondent on the trial of this cause.

  
J. Jefferson Bennett  
Solicitor for Respondent.

Sworn and subscribed before me this the 22<sup>nd</sup> day of August, 1950.

E. G. Rickarby, Jr.  
Notary Public.

The name of Malcolm M. Guinn, Attorney at Law, 119 East Palestine Street, Rusk, Texas, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories and it is requested that a commission issue to him for that purpose.

J. Jefferson Bennett  
Solicitor for Respondent.

HARRIET C. JONES

Complainant

Vs

HOLLIE JONES

Respondent

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IN THE CIRCUIT COURT OF

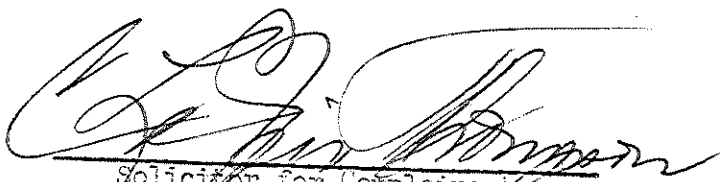
BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2405

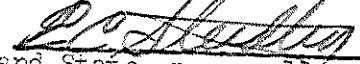
Now comes the Complainant and propounds cross-interrogatories to John W. Jones, a witness for the Respondent in the above styled cause:

Cross-interrogatories to John W. Jones, witness:

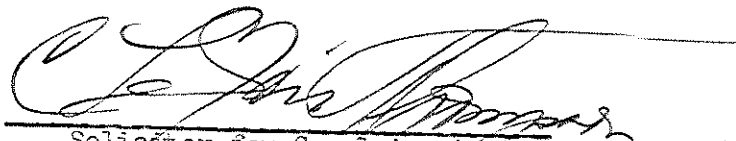
1. What is your present wife's full name?
2. Have you or Mrs. Jones ever been treated for tuberculosis?
3. Do you use tobacco in any form?
4. Does Mrs. Jones use tobacco in any form?
5. Of what church are you a member?
6. Of what church is your present wife a member?
7. Who is your family physician?
8. Have you been treated for any type mental disease?
9. Has your wife been treated for any mental disease of any kind?
10. Has your present wife ever had spells, hallucinations, or acted strangely in any manner?
11. What is your present income?
12. If you move to Alabama, how would you get an income?

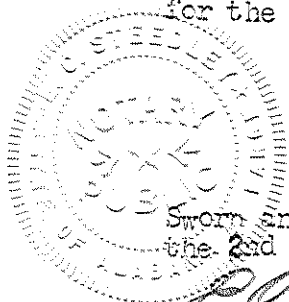
  
Solicitor for Complainant

STATE OF ALABAMA  
BALDWIN COUNTY

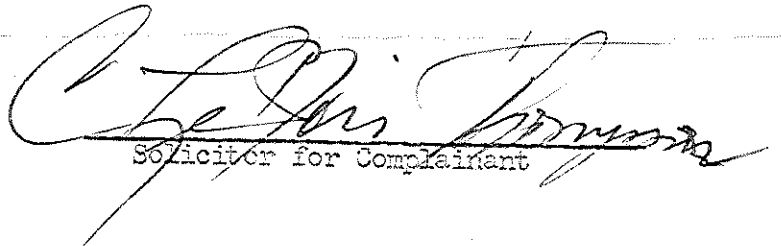
Before me,  a Notary Public in and for said County and State, personally appeared C. LeNoir Thompson, who being duly sworn deposes and says: That he is agent and attorney for the Complainant, Harriet C. Jones; that the witness whose testimony is to be taken is a non-resident of the State of Alabama, residing at Route #2, Alto, Texas and that the witness, John W. Jones is a material witness for the Respondent and his evidence to be secured by this deposition will be material evidence for the Respondent on the trial of this cause.

Sworn and subscribed before me this  
the 2nd day of September, 1950.

  
Solicitor for Complainant



The name of Malcolm M. Guinn, Attorney-at-Law, 119 East Palestine Street, Rusk, Texas, is suggested as a fit and suitable person to take down the answers to the foregoing cross- interrogatories and it is requested that a commission issue to him for that purpose.

  
Solicitor for Complainant





HARRIET C. JONES

Complainant

Vs

HOLLIE JONES

Respondent

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2405

Comes the Complainant by her attorney and moves to dismiss the Cross Bill and pleading of the Defendant and for cause assigns the following grounds:

1.

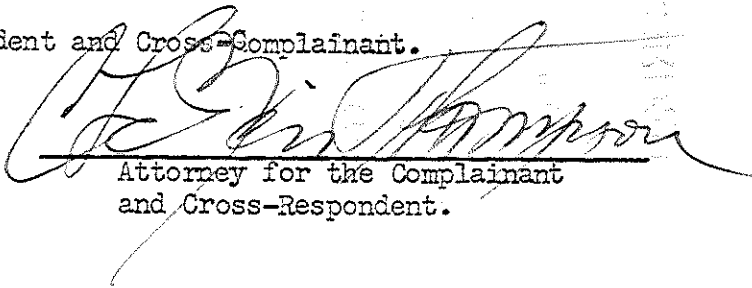
That the Complainant consulted Honorable J. Jefferson Bennett, attorney of record for the Respondent, confiding in him all facts and evidence constituting her case in this cause.

2.

That subsequent to Complainant's conference with Honorable J. Jefferson Bennett there was paid to the Honorable J. Jefferson Bennett a retainer by the mother of said Complainant, whereby the services of this attorney was secured to the family of Mrs. B. E. Carter and that your Complainant is a daughter of the said Mrs. B. E. Carter, as if such was sent to the Honorable J. Jefferson Bennett as aforesaid.

3.

That since said original consultation Honorable J. Jefferson Bennett, is attorney of record for Respondent and Cross-Complainant.

  
Attorney for the Complainant  
and Cross-Respondent.

RECORDED

HARRIET C. JONES

Complainant

VS

HOLLIE JONES

Defendant

MOTION TO DISMISS

Filed: July 31, 1950.

Jeffery B. Madaleno  
Judge.

From the law office of  
C. LeNoir Thompson  
Bay Minette, Alabama

HARRIET C. JONES, )  
Complainant, ) IN THE CIRCUIT COURT OF  
VS. ) BALDWIN COUNTY, ALABAMA.  
HOLLIE JONES, ) IN EQUITY. NO. 2405.  
Respondent. )

MOTION TO STRIKE

Now comes the Respondent and Cross Complainant and moves the Court to strike the motion to dismiss this cause, which was filed by the Complainant and Cross Respondent on July 31, 1950 and as grounds therefor sets down and assigns, separately and severally, the following:

1. It is prolix.
2. It is irrelevant.
3. It is frivolous.

J. A. Henson Bennett  
J. B. Blackburn

Solicitors for Respondent and Cross Complainant.

RECORDED  
MOTION TO STRIKE

HARRIET C. JONES,

Complainant,

VS.

HOLLIE JONES,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2405.

Filed: August 3, 1950.

Jedair J. Maddux  
Judge.

Harriet C. Jones,  
Complainant,

-vs-

Hollie Jones,  
Respondent.

NO. 2405

IN THE CIRCUIT COURT IN AND FOR  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY.

Comes now the Respondent, Hollie Jones, and demurs to the bill filed against him and to each and every aspect thereof, and to each and every alternative, and to each type of relief sought, and assigns the following separate and several grounds of demurrer:

1. There is no equity in the bill.
2. For that said bill does not allege a cause of action.
3. For that said bill does not sufficiently allege any ground for the relief sought therein.
4. For that said bill does not allege any ground for divorce under the laws of Alabama.
5. For that paragraph 3 thereof does not allege such facts as entitle the complainant to the relief sought in said bill.
6. For that, from aught that appears, the complainant is not entitled to the divorce prayed for.
7. For that, from aught that appears the Respondent has not been guilty of such conduct as entitles the complainant to the relief sought in said bill.
8. For that said bill does not allege such facts as entitles the complainant to the divorce sought therein.
9. For that insufficient facts are alleged in said bill to give this Honorable Court jurisdiction to award the relief sought therein.
10. For that insufficient facts are alleged therein to entitle the complainant to the divorce from the Respondent as sought therein.
11. For that from aught that appears, the complainant is not entitled to any of the relief sought in said bill of complaint.

And now comes the Respondent, Hollie Jones, not waiving any of the above grounds of demurrer to said Bill of Complainant, but insisting on said demurrer and each ground thereof, and, as answer to the allegations of said Bill of Complaint, says as follows, to-wit:

1. Your Respondent admits the allegations of paragraph one.

2. As to paragraph two thereof, your Respondent admits the allegations of marriage between himself and the complainant and the date and place thereof, but he denies the other allegations of said paragraph and demands strict proof thereof.

3. Your Respondent denies the allegations of paragraph three and demands strict proof thereof.

4. As to paragraph four thereof, your Respondent admits that there were two children born of his marriage with the complainant, that they are David Allen Jones, age four, and Harriet Catherine Jones, age two; that they are at present with the complainant herein; BUT, your Respondent denies that said complainant is a fit and proper person to have their care, custody and control, and demands strict proof thereof.

5. Your Respondent denies the allegations of paragraph five and demands strict proof thereof.

6. Your Respondent admits the allegations of paragraph six.

7. And now having fully answered the said Bill of Complaint of the said Harriet C. Jones, complainant in the foregoing cause, your Respondent now further prays that this answer be taken as his Cross-Bill of Complaint and your Cross-Complainant, Hollie Jones, makes as Cross-Respondent to this Cross-Bill, the said Harriet C. Jones, and your Cross-Complainant now shows unto this Honorable Court the following facts:

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

2. That your Cross-Complainant and the Cross-Respondent were married in Dallas, Texas on, to-wit, June 22, 1944 and lived together as husband and wife in other states until they moved to Fairhope, Baldwin County, Alabama in May, 1948, where they lived together as man and wife until on, to-wit; September 18, 1949,

at which time, your Cross-Complainant moved from the home of the parties hereto to other quarters, and from which time, they have no longer lived as man and wife.

3. That there was born between the marriage of your Cross-Complainant and the Cross-Respondent, two children, to-wit: David Allen Jones, four years of age and Harriet Catherine Jones, two years of age; that said children are at present in the custody, care and control of your Cross-Respondent in the Town of Fairhope, Baldwin County, Alabama.

4. That the Cross-Respondent is not a fit, suitable or proper person to have the care, custody and control of the above named minor children. That the said Harriet C. Jones has and is treating said children in a most unnatural manner, neglecting them and leaving them in the care of persons unsuited for an incapable of caring for their wants, has and is not keeping them in a clean and healthful condition and has denied your Cross-Complainant the opportunity to visit, care for, or minister to the wants of said children.

5. That your Cross-Complainant, Hollie Jones, is a fit, suitable and proper person to have the care, custody and control of said minor children and is ready and anxious to provide them with a proper home and care.

6. That the said Harriet C. Jones heretofore, to-wit, on the 27th day of December, 1949, and divers other times to your Cross-Complainant unknown, did willfully commit adultery with one Chester Hawkins, whose name is otherwise unknown to your Cross-Complainant at premises on the corner of Nichols Street and Mobile Avenue in the Town of Fairhope, Baldwin County, Alabama in disregard of her marriage obligations to this Cross-Complainant.

7. That the said acts of adultery above complained of were committed without the consent, connivance, procurement or condonance of your Cross-Complainant, and that since the discovery by Cross-Complainant of the commission of said acts by the Cross-Respondent, he has not cohabited with her.

WHEREFORE THE FOREGOING PREMISES CONSIDERED, Cross-Complainant Prays:

1. That this be taken as the Cross Bill of your Cross Complainant



and that this Honorable Court, by proper process will make the said Harriet C. Jones, Cross Respondent hereto, requiring her to plead, answer or demur to the same within the time prescribed by law and the practice of this Honorable Court.

Your Cross Complainant further prays that upon final hearing hereof your Honor will grant to him and absolute divorce forever barring the bonds of matrimony existing between your Cross Complainant and the Cross Respondent.

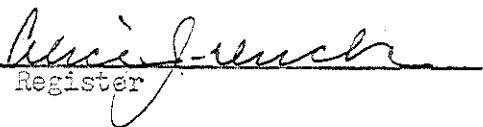
Cross Complainant further prays that this Honorable Court will award to him the care, custody and control of the minor children, David Allen Jones, aged four years and Harriet Catherine Jones, aged two years; and your Cross Complainant prays for such other further or general relief to which he may be entitled, in equity and good conscience, and that he be discharged henceforth, free of cost.

*J. Jefferson Bennett*  
*F. B. Blackburn*  
Solicitors for Respondent-Cross Complainant

STATE OF ALABAMA }  
BALDWIN COUNTY. }

You are hereby commanded to summon HOLLIE JONES, to appear and plead, answer or demur, within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in equity, by HARRIET C. JONES, as Complainant, and against HOLLIE JONES, as Respondent.

WITNESS my hand this 20 day of September, 1950.

  
Register

HARRIET C. JONES                    }  
  }                    IN THE CIRCUIT COURT OF  
  }                    BALDWIN COUNTY, ALABAMA  
VS                                        }  
  }                    IN EQUITY  
HOLLIE JONES                         }  
  }                    RESPONDENT

TO HONORABLE TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Your Complainant, HARRIET C. JONES, respectfully represents  
and shows unto your Honor and this Honorable Court as follows:

1.

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

2.

That your Complainant and the Respondent married in Dallas,  
Texas on June 22, 1944 and lived together as husband and wife in  
Baldwin County, Alabama until on to-wit, September 18th, 1949, when  
for the reason hereinafter set out your Complainant was forced to  
cease living with the Respondent.

3.

Complainant further avers that said respondent voluntarily  
abandoned the bed and board of complainant for more than one year  
next preceding the filing of this bill of complaint, since which

time complainant and respondent have not lived together nor in any way recognized each other as husband and wife.

4.

That there was born between the marriage of your Complainant and the Respondent two children, DAVID ALLEN JONES, age four, and HARRIET CATHERINE JONES, age two; that said children are with your Complainant who is a suitable, fit and proper person to have their care, custody and control.

5.

Your Complainant avers that said Respondent is a man of considerable income; to-wit: receiving from his employer a salary of \$230.00 per month and in addition thereto is furnished an automobile by his employer and that all of his traveling expense are paid by said employer.

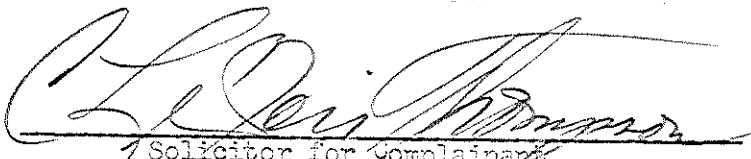
#### PRAYER

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper procedure make the said HOLLIE JONES party Respondent to this bill of complaint requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon final hearing hereof your Honor will grant to her an absolute divorce forever barring the bonds of matrimony existing between your Complainant and Respondent.

That your Complainant be awarded the custody, care and control of the minor children, David Allen Jones, age four, and Harriet Catherine Jones, age two; that your Honor will grant to the Complainant permanent maintenance for said children in the amount of One Hundred (\$100.00) Dollars per month and that your Honor will order the Register of this Court to hold a reference and report to this Court what would be a reasonable amount to be allowed your Complainant as alimony for her support and maintenance pending this suit, and that upon a final hearing of this cause, that your Honor will render a decree granting to your Complainant permanent alimony for her

support and maintenance, and your Complainant prays for such  
other, further or general relief to which she may be entitled,  
and your Complainant prays, etc.

  
Solicitor for Complainant

No. 2405

RECORDED

HARRIET C. JONES

COMPLAINANT

VS

HOLLIE JONES

RESPONDENT

AMENDED COMPLAINT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

from the office of  
C. Jenoir Thompson  
Bay Minette, Alabama

*Filed 2.20.05  
W. C. French  
Clerk*

HARRIET C. JONES

Complainant

VS

HOLLIE JONES

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2405

Comes now the Complainant and Cross-Respondent, Harriet C. Jones and without waiving any rights secured unto her <sup>by</sup> ~~her~~ rulings of this Honorable Court to pleadings now pending, but as answer to the allegations of the Cross-Bill filed by the Cross-Complainant in this cause says as follows, to-wit:

1. Your Cross-Respondent admits the allegations as to paragraph one thereof.

2. Your Cross-Complainant admits the allegations of paragraph two.

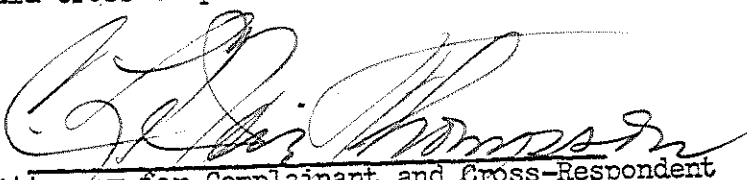
3. That your Cross-Respondent admits the allegations of paragraph three of said Cross-Bill.

4. That as to paragraph four of said Cross-Bill your Cross-Respondent denies the allegations and demands strict proof thereof.

5. As to paragraph five your Cross-Respondent denies the allegations and demands strict proof thereof and as to further answer to said paragraph alleges that said Cross-Complainant is employed as a traveling salesman and is unable to be with the children of the parties to this cause, except on week ends, and that said children would be without too such an extent. That he would be incapable of caring for their wants, wealth and welfare.

6. As to paragraph six of said Cross-Bill your Cross-Respondent denies the allegations and demands strict proof thereof.

7. As to paragraph 7 your Cross-Respondent denies that acts of adultery were committed and alleges that your Cross-Respondent had ceased to cohabit with the Cross-Complainant on September 18, 1949, because of said Cross-Complainant's actions and that your Cross-Respondent has not cohabited with the said Cross-Complainant unto this day following said September 18, 1949.

  
Attorney for Complainant and Cross-Respondent

2 Feb  
RECORDED

HARRIET C. JONES

Complainant

Vs

HOLLIE JONES

Respondent

70  
ANSWER AND CROSS-BILL

FILED  
FEB 22 1950  
AUG 1. 1950. Reister

From the law office of  
C. LeNoir Thompson  
Bay Minette, Alabama

HARRIET C. JONES,

Complainant and Cross  
Respondent

VS.

HOLLIE JONES,

Respondent and Cross  
Complainant


IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2405.

STIPULATION

IT IS STIPULATED AND AGREED by and between the parties to this cause acting through their respective solicitors that the testimony of Mrs. Bernice Carter, a witness for the Complainant and Cross Respondent, be taken at 2:30 P. M. on Monday, July 31, 1950, and that the testimony of all of the other witnesses in the said cause be taken at 10:30 A. M. on August 3, 1950.

All of the testimony shall be taken orally in open Court.

Dated this 25th day of July, 1950.

  
Solicitor for Respondent and Cross Complainant.

  
Solicitor for Complainant and Cross Respondent.



*Supplication*

**RECORDED**

**FILED**

JUL 24 1950

Attest & DUCK, Registrar

HARRIET C. JONES	§	IN THE CIRCUIT COURT OF
Complainant	§	BALEWIN COUNTY, ALABAMA
Vs.	§	IN EQUITY
HOLLIE JONES	§	NO. 2405
Respondent	§	

Now comes the complainant and propounds interrogatories to William Miller, 172 Norwood Ave., Buffalo, New York, a witness whose testimony, when taken, will be material evidence for the plaintiff on the trial of the above cause.

Interrogatories to William Miller, witness:

First: Do you know Harriet C. Jones the Plaintiff in this case?

Second: Do you know the defendant in this case, Hollie Jones?

Third: Do you know of any instance when the respondent threatened or abused the complainant?

Fourth: State each time to the best of your personal knowledge or recollection when the respondent abused the complainant and tell what occurred.

Fifth: Were you present in the home of Harriet C. Jones at any time on the day of Dec. 27, 1949?

Sixth: At what time on that day were you present and who else was present while you were there?

Seventh: Did you know of the arrival at the home of Harriet C. Jones, of Chester Hawkins during that day?

Eighth: With whom did you arrive? What time did you arrive? Who did you find present when you arrived?

Ninth: About what time did you depart from the presence of Harriet C. Jones and did any one leave with you? Whom did you leave in the house when you departed?

Tenth: What was the location of the house where you called on Mrs. Harriet C. Jones on Dec. 27, 1949? Was it in Fairhope?

Eleventh: Did you at any time see or know of Mrs. Harriet C. Jones committing adultery with any party known or unknown to you? If so state.

Twelfth: Where were you calling on Mrs. Harriet C. Jones on Dec. 27, 1949?

C. Le Moir Thompson  
Attorney for the Plaintiff

STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me Thomas E. Jones, a Notary Public in and for said State and County, personally appeared C. Le Moir Thompson who being by me first duly sworn deposes and says: That he is agent and attorney for the plaintiff, Harriet C. Jones; that the witness whose testimony is to be taken, is a non-resident of the State of Alabama, residing in Buffalo, New York; that the witness, William Miller, is a material witness for the plaintiff and his evidence to be secured by this deposition will be material evidence for the plaintiff on the trial of this cause.

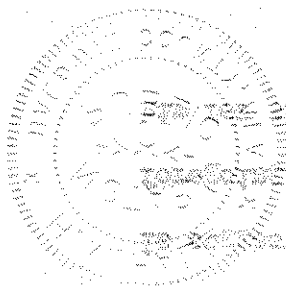
C. Le Moir Thompson  
Attorney for the Plaintiff

Sworn to and subscribed before me this 25 day of May 1950.

Thomas E. Jones  
Notary Public

The name of Thomas E. Shepherd, 172 Norwood Ave., Buffalo, New York is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories and it is requested that a commission issue to him for that purpose.

C. Le Moir Thompson  
Attorney for the Plaintiff



*[Signature]*

*[Signature]*

*[Signature]*

HARRIET C. JONES  
Complainant  
Vs  
HOLLIE JONES  
Respondent

INTERROGATORIES

FILED  
MAY 12 1950

ALICE J. DUCK, Register  
From the Law Office of  
C. LeNoir Thompson  
Bay Minette, Ala.

EXHIBIT

*[Signature]*

13

...

HARRIET C. JONES, )  
Complainant, ) IN THE CIRCUIT COURT OF  
VS. ) BALDWIN COUNTY, ALABAMA.  
HOLLIE JONES, ) IN EQUITY. NO. 2405.  
Respondent. )

DEMURRER

Now comes the Respondent and Cross Complainant and for demurrer to the motion to dismiss this cause filed by the Complainant and Cross Respondent on July 31, 1950, says:

1. There is no equity in the motion.
2. No facts are alleged in the said motion which will authorize the Court to dismiss <sup>the Cross Petition</sup> this suit.
3. The facts alleged in the motion are, if true, in <sup>the Cross-Petition</sup> sufficient to enable the Court to dismiss this cause.
4. It affirmatively appears that this suit was filed for the Complainant and Cross Respondent by C. LeNoir Thompson, who is now and who has always acted as attorney for the Complainant and Cross Respondent in this cause.

*C. LeNoir Thompson*  
\_\_\_\_\_  
*J. B. Blackman*  
\_\_\_\_\_

Solicitors for Respondent and Cross Complainant.

RECORDED  
DEMURRER

HARRIET C. JONES,

Complainant,

VS.

HOLLIE JONES,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 2405.

Filed: August 3, 1950.  
J. J. Mablebury Jr.  
Judge.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: Nita Ann Hall

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 Harriet C. Jones and B.E. Carter

as witnesses in behalf of Harriet C. Jones in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Harriet C. Jones

Complainant

and

Hollie Jones

Respondent

on oath, to be by you administered, upon Nita Ann Hall to take and certify the deposition of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 20 day of September, 1945

*Nita Ann Hall*  
Register.

Commissioner's Fee, \$

Witness' Fees, \$

**THE STATE OF ALABAMA**  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

HARRIET C. JONES

Complainant

VS.

HOLLIE JONES

Respondent

I, Nita Ann Hall

as Register and Commissioner

have called and caused to come before me Nita Ann Hall

witness es named in the Requirement for Oral Examination, on the 20 day of Sept. 1940, at the office of C. DeNoir Thompson 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 Harriet C. Jones & B.E. Carter doth depose and say as follows:

That my name is Harriet C. Jones, that I am over the age of 21, a resident of Baldwin County, Alabama and have been more than two years next preceding. We were married in Dallas, Texas on June 22, 1944 and lived together as husband and wife until our separation at Fairhope, Alabama in Baldwin County, on about September 18, 1949, on which day the Respondent voluntarily abandoned me without cause on my part and we have not lived together as husband and wife since that day.

There was born of our marriage two children, David Allen Jones, who is Now about 5 years old and Harriet Katherine Jones, who is now about 2 years old. These children have resided with me since birth and I have had their care, custody and control at all times. I feel that I am a suitable and proper person to continue to have their care, custody and control and if the Court will let me have them I shall look after them carefully, both as to their spiritual welfare and their material wellbeing. I ask the court to grant maintenance or support for these children. I do not want any alimony for myself and I ask the court to grant such permanent maintenance as the court shall find suitable in the interest of my two children. In my complaint now before this court I ask for \$100.00 per month as maintenance which was granted. Under the agreement for property settlement between the parties I shall receive an assignment of the purchase contract on the house where I live. The payments on this house are \$40.00 a month of which approximately \$15.00 per month was ~~was~~ a payment on the purchase price, the other portion of this money being interest, taxes and insurance. This is a expense which I shall have to meet to provide a place for the children and I to live.

My mother, Mrs. B.E. Carter, will help me in looking after my children and my father, Mr. B.E. Carter, will also do what he can. I again ask the court to grant to me the care and custody of my little children.

Harriet C. Jones

That my name is B.E. Carter. I know both parties to this cause and that they are both over the age of 21 years. Harriet being my daughter. I know they were married in Dallas, Texas on June 22, 1944 and lived together as husband and wife until they separated in Baldwin County, Alabama in Fairhope, Sept. 18, 1949 where they lived more than two years next preceding. They have not lived together as husband and wife since that date which is now more than one year. I do not know of any cause Harriet gave her husband for abandoning her as he did on Sept. 18, 1949. There are two children as fruits of this marriage, Harriet Katherine Jones, age about 2 years and David Allen Jones, age about 5 years. These children have been with their mother since birth and I feel she is a fit and suitable and proper person to have their care, custody and control. My wife who is the childrens grandmother and I will do all we can to help look after them and see that they are in nowise neglected but instead carefully cared for.



I shall of course do all I can for their spiritual welfare as well as in material matters. As the grandparents of these children, my wife and I would like to see Harriet have their care, custody and control.

*B. E. Carter*

NO. _____	PAGE _____
THE STATE OF ALABAMA	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY.	
vs.	Complainant
Respondent.	
Oral Deposition	
Filed _____	9-27, 1942
Recorded in _____, Register.	
Vol. _____	Page _____
Recorded in _____, Register.	

I, Nita Ann Hall, as Register and Commissioner hereby certify that the foregoing deposition was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and C. Lenoir Thompson at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proom made before me of the identity of said witnesses; that I am not 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 20 day of September, 1940

(L. S.) *Nita Ann Hall*

ORAL EXAMINATION.

HARRIET C. JONES )  
VS. )  
HOLLIE JONES )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. NO. 2405

REGISTER'S REPORT

To The Honorable Telfair J. Maishburn, Jr., Judge of said Court:

Whereas by a decree of this Court and enrolled in the above entitled cause on the 11th day of January, 1950, it ordered and decreed among other things as follows:

"Upon consideration of the Petition of Harriet C. Jones filed in this cause, the same being duly read, considered and understood by the Court, it is, therefore, the Judgment of this Court, and it is ordered, adjudged and decreed by the Court that the Register of this Court hold a reference according to law, under the rules of this Court, and ascertain and report to this Court what will be a reasonable amount to be allowed to the Complainant, Harriet C. Jones, for her support and maintenance during the pendency of this suit, and that the Register of this Court give notice of holding of said reference according to law."

Now therefore, having held a reference for the purpose of ascertaining the matter called for in the said Decree of Reference, and having heard testimony of both parties, I report as Follows:

1. The Reference was had at the Court House at Bay Minette, Baldwin County, Alabama on the 23rd day of January, 1950, the notice of which was given Hollie Jones and to Hon. C. L. Thompson, Solicitor for Complainant and which time the following witnesses were heard; Harriet C. Jones and Hollie Jones.
2. I find that there are two minor children ages 2 and 4 years dependant on the defendant for support.
3. I find, from testimony of both witnesses, that the defendants earnings are about \$230.00 per month.
4. I further find that \$60.00 per month and a place to reside will be a reasonable allowance for the complainant and children during the pendency of this suit.

All of which is respectfully submitted this 23rd day of January, 1950.

*David A. Smith*  
Register in Equity

HARRIET C. JONES,  
Complainant,  
VS.  
HOLLIE JONES,  
Respondent .

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. NO. 2405.

DECREE

This cause coming on to be heard was submitted upon the Bill of Complaint, the Answer and Cross Bill of the Respondent and the other pleadings and proof as noted by the Register, the same being considered and understood by the Court, the Court is of the opinion that Complainant is entitled to the relief prayed for in her bill of Complaint; the Court is further of the opinion that the Respondent is not entitled to the relief prayed for in his Cross Bill and the same is hereby denied. It is therefore

ORDERED, ADJUDGED AND DECREED as follows:

1. That the Complainant, Harriet C. Jones, be, and she is hereby forever divorced from the Respondent, Hollie Jones, for and on account of abandonment.
2. That the custody and control of the minor children, Harriet Katherine Jones and David Alan Jones be awarded to Harriet C. Jones, the Complainant, with the right on the part of the Respondent, Hollie Jones, to visit said children at reasonable times and places. Custody and control of the minor children as aforesaid is awarded the Complainant, Harriet C. Jones on the express condition that she give the children in the future the kind of care and attention that they should have. Jurisdiction of this cause is retained by the Court for the purpose of making such further orders or decrees with regard to the custody and control of said minor children as may be necessary in the premises.
3. 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 an appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.
4. That the Complainant and Respondent, be, and they are hereby permitted to again contract marriage upon payment of the costs of this suit, subject to the terms of paragraph 3 of this decree.
5. That the Respondent, Hollie Jones, shall pay to the Complainant, Harriet C. Jones, for the maintenance and support of said minor children the sum of \$60.00 per month.
6. That Hollie Jones, the Respondent, pay the costs of this cause, for which let

execution issue.

Done in chambers at Bay Minette, Alabama this 27th day of September, 1950.

TELFAIR J. MASHBURN, JR.  
Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, State of Alabama, In Equity, do hereby certify that the above and foregoing instrument is a true and correct copy of the Decree rendered by the Judge of the Circuit Court in the above styled cause and same is on file in my office.

Witness my hand and seal this 6th day of October, 1950.

Register of the Circuit Court.

HARRIET C. JONES

Complainant

VS

HOLLIE JONES

Respondent

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

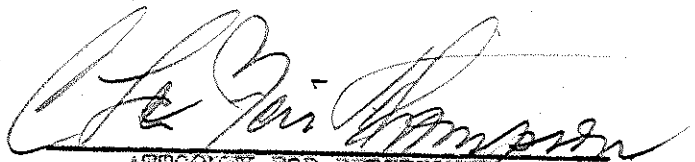
TO THE HONORABLE TELFAIR J. MASHEURN JR., JUDGE OF SAID COURT:

Comes your Petitioner, Harriet C. Jones, and respectfully represents and shows unto your Honor as follows:

1. That she has filed in this Honorable Court a bill seeking alimony for support and maintenance against the Respondent, Hollie Jones.

2. That she is without means of support during the pendency of this suit, and that said Respondent is well able to provide support and maintenance for your Complainant, but that said Respondent has refused and failed so to do.

The premises considered, your petitioner prays that your Honor will order the Register of this Court to hold a reference and to ascertain and report to this Court what will be a reasonable amount to be allowed to your petitioner during the pendency of this suit, and your petitioner prays for general relief.

  
ATTORNEY FOR PETITIONER.

Harriet C. Jones

vs.

Hollie Jones

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, \_\_\_\_\_

Oral Deposition by Harriet C. Jones and B.E. Carter for Complainant, \_\_\_\_\_

Answer and Waiver by Respondent and testimony Ore tenus \_\_\_\_\_

and in behalf of Defendant upon \_\_\_\_\_

C. L. Fair Thompson  
Atty. for Complainant.

Alice J. Henck  
Register.

HARRIET C. JONES,

Complainant,

VS.

HOLLIE JONES,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 2405.

DECREE

This cause coming on to be heard was submitted upon the Bill of Complaint, the Answer and Cross Bill of the Respondent and the other pleadings and proof as noted by the Register, the same being considered and understood by the Court, the Court is of the opinion that Complainant is entitled to the relief prayed for in her Bill of Complaint; the Court is further of the opinion that the Respondent is not entitled to the relief prayed for in his Cross Bill and the same is hereby denied. It is therefore

ORDERED, ADJUDGED AND DECREED as follows:

1. That the Complainant, Harriet C. Jones, be, and she is hereby forever divorced from the Respondent, Hollie Jones, for and on account of abandonment.

2. That the custody and control of the minor children, Harriet Katherine Jones and David Alan Jones be awarded to Harriet C. Jones, the Complainant, with the right on the part of the Respondent, Hollie Jones, to visit said children at reasonable times and places. Custody and control of the minor children as aforesaid is awarded the Complainant, Harriet C. Jones on the express condition that she give the children in the future the kind of care and attention that they should have. Jurisdiction of this cause is retained by the Court for the purpose of making such further orders or decrees with regard to the custody and control of said minor children as may be necessary in the premises.

3. 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 an appeal is taken within sixty days, neither party shall again

marry except to each other during the pendency of said appeal.

4. That the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the costs of this suit, subject to the terms of paragraph 3 of this decree.

5. That the Respondent, Hollie Jones, shall pay to the Complainant, Harriet C. Jones, for the maintenance and support of said minor children the sum of \$ 60<sup>00</sup>/<sub>11</sub> per month.

6. That Hollie Jones, the Respondent, pay the costs of this cause, for which let execution issue.

Done in chambers at Bay Minette, Alabama this 27th day of September, 1950.

Jeffrey J. Masloway, Jr.  
Judge



RECORDED

FILED  
SEP 27 1950  
ALICE L. BUCK, Register

FILED  
FEB 6 1950  
ALICE L. DUCK, Register

HARRIET C. JONES, Complainant,  
VS.  
HOLLIE JONES, Respondent.  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
NO. 2405. IN EQUITY.

TESTIMONY TAKEN ON ORDER OF REFERENCE  
JANUARY 23, 1950

APPEARED: For Complainant,

Hon. C. Leland Thompson  
For Respondent,

Hon. J. Jefferson Bennett  
Hon. J. B. Blackburn

MRS. HARRIET LORRAINE JONES, after being first  
duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Thompson

Q. Mrs. Jones, what is your full name?

A. Harriet Lorraine Jones.

Q. Where do you live?

A. Live Oak Cottages, Fairhope.

Q. In Baldwin County?

A. That's right.

Q. Do you have any children?

A. Two.

Q. Are they children of the marriage between you and Hollie Jones,

the respondent in this cause?

A. Yes, they are.

Q. Will you state their name and age?

A. David Allen Jones, four, and Harriet Catherine Jones, two.

Q. Do those children reside with you?

A. Yes.

Q. Now are you living apart from Mr. Jones or with him?

A. Apart.

Q. When did you separate?

A. In October.

\$ 8.20

Q. In October of what year?

A. Nineteen forty-nine.

Q. Now, while you were living with Mr. Jones did he support you and the children?

A. Yes.

Q. Can you state to the court his approximate salary?

A. One hundred and fifteen dollars every two weeks.

Q. Since you have been living apart from him has he given you any money and if so about how much a month?

A. Forty dollars and less. It hasn't been consistent.

Q. What amount does it take for you to maintain the two children in the station in life according to the way they were living when you were living with him, for the children's part, what would you consider it took for them?

MR. BENNETT: We object to the form in which he has asked the question and ask that he make it a question as to fact rather than opinion.

MR. THOMPSON: No family sets down: I spent this on this child or this amount on this child. It would have to be an estimate under the circumstances.

MR. BENNETT: I will ask you to estimate what she spends rather than what in her opinion it takes.

Q. What was the cost of maintaining those children in the station in life in which he was maintaining them, doctors' bills, clothes, food, housing, etc?

A. When we were living together?

Q. Yes?

A. It took all of his salary that's all I know.

Q. Has he purchased in addition to that forty dollars, clothing for the children?

A. Yes.

Q. Do you have any idea or can you state the amount or the value of the clothes purchased?

A. I would say between twenty and twenty-five dollars. I am not sure. I didn't go with them.

Q. Have you found it necessary to obtain help elsewhere in order to maintain the children?

A. Yes.

Q. How much will it cost now to maintain the children in the station in life in accordance with the way they were maintained before the separation?

A. About a hundred dollars a month.

Q. Now you stated that his salary is a hundred and fifteen dollars every two weeks, did he get anything else in addition to that?

A. He gets his expenses when he is on the road, lodging and meals.

Q. He is a traveling man?

A. Yes.

Q. Does the company furnish him traveling expenses and a car?

A. All his expenses while he is on the road.

Q. The money he has furnished you since your separation has been insufficient to maintain the children properly?

A. Definitely.

That's all

#### ON CROSS EXAMINATION

By Mr. Bennett

Q. Mrs. Jones, in your testimony you testified that you estimated it cost one hundred dollars a month to support the children at the present time. I take it that includes the providing of housing and so on?

A. I feel it would cost that much to pay for food, medicine and so forth, house, yes.

Q. Since the time of your separation in October, has the respondent in this case offered you any living quarters other than the ones you now occupy?

A. Sure. After he took my house he offered to let me come back and live with him.

Q. Are you employed at the present time?

A. No, I am not.

Q. In your estimate of one hundred dollars a month, will you please explain to the Register what makes up that one hundred

dollars a month?

A. I couldn't come to a definite estimate right now. I am living with my people.

Q. You made an estimate that a total of one hundred dollars, it has been entered in the evidence this morning, did you arrive at, - you must have considered some components in arriving at that estimate. We need facts to show how you came to that figure?

A. Well, I just know if I rented a house what the rent of the house is and what it costs to pay bills and I know what medicine costs.

Q. Can't you explain to the Register what the rent would be, the food? The rent is how much?

A. I am not renting a place now.

Q. In the hundred dollars what part of that did you estimate would be rent? How much rent?

A. I estimated forty dollars.

Q. How much do you estimate would feed the children?

A. About thirteen-fifty a week.

Q. What else goes into the hundred?

A. Medicine that I have to have for both of them.

Q. How much for medicine?

A. I never have bought it myself, never have gone to the drug store when he bought it.

Q. Do you have any idea at what cost you can keep supplied with medicine for them?

A. I don't know what that medicine costs though I imagine four dollars a month. Hollie always bought it. I didn't.

Q. Anything else make up that hundred dollars you arrived at in your estimate?

A. Just what clothing and stuff they need.

That's all.

ON RE DIRECT EXAMINATION

By Mr. Thompson

Q. Your rent you specified would that include the lights, heat, fuel and so forth?

A. No.

Q. Didn't include that?

A. No.

Q. You mentioned clothing. You have something there? Are your children in need of clothes?

A. The little boy is. (A little jacket is unwrapped and placed on the table).

Q. Would you care to show the Court the situation?

MR. BENNETT: We object and ask that you testify to facts which constitute that.

MR. THOMPSON: We would like to establish the need for the money to which she testified because it being broken down we have a proper right to show the need for the various things. It's an admitted fact that food, shelter and so forth, and by displaying clothes, the condition of the clothes is evidence that it was needed would be factual, not merely verbal. I don't wish to be irregular in my questioning.

MR. BENNETT: All right, I will withdraw the objection.

Q. Is this coat - ?

A. That is David's only coat. It was a hand-me-down. This is the one coat- now my husband bought-

Q. What is the condition of the other clothes?

A. Fair. He doesn't have a coat. I didn't have the money to give him one.

Q. You included medicine but you didn't include doctors' fees?

A. No, I did not.

Q. Did you consider the doctor would have to be paid?

A. I guess Dr. Pelham wants his money some day.

That's all.

ON RE CROSS EXAMINATION

By Mr. Bennett

Q. In connection with the coat, what other clothes does David have?

A. Trousers, underwear and shoes.

Q. And I believe you testified they are all in good condition?

A. I said fair condition.

Q. Have you ever mentioned to the respondent the need of this boy for a coat?

A. Very definitely. He come by to take them to town, told the little boy he had ordered him a coat, which he hadn't done. He got the little girl one.

Q. He bought the little girl a coat?

A. Yes, he did.

That's all.

Mr. Henry Hollie Jones, having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Bennett

Q. Mr. Jones, state your full name, your residence and your occupation?

A. Henry Hollie Jones, Fairhope, and I am a salesman.

Q. Where are you now living, Mr. Jones?

A. 205 White Avenue.

Q. Is that house the property of yourself and your wife?

A. Yes.

Q. At the time of your separation from your wife in October, 1949, was that the residence of yourself and your wife and children?

A. Yes sir.

Q. At the time of that separation was she in possession of that house or were you in possession?

A. She was.

Q. You left the house and she was there?

A. Yes sir.

Q. Did that continue her residence until about when?

A. About, - I don't remember the date, - about a week before Christmas approximately.

Q. She was living in the house and you were living elsewhere until about a week before Christmas?

A. Yes.

- Q. When did you move back into the house, Mr. Jones?
- A. About three weeks ago.
- Q. During the interim of the week before Christmas and the time you moved back into the house did you ask Mrs. Jones, the complainant in this case, to make available for herself this home which you provided?
- A. Yes.
- Q. Did she do it?
- A. No sir.
- Q. Do you stand ready for them to avail themselves of this home you have provided?
- A. Yes sir.
- Q. Since the time of your separation have you had occasion to pay any money direct to Mrs. Jones for support of herself and the children?
- A. Yes.
- Q. About how much have you paid?
- A. While she was living in the house I made the house payments of forty dollars a month, paid the bills, made the refrigerator payments of ten dollars a month and let her have a charge account at the grocery store for awhile. I don't remember exactly how much it was.
- Q. You make those payments at the grocery store for her purchases?
- A. Yes sir.
- Q. About how much a week did that account run?
- A. I just don't know. Twelve to eighteen dollars I would say.
- Q. Since your separation have you had occasion to provide medicine for the children?
- A. Yes sir.
- Q. Up until the present time?
- A. Yes sir.
- Q. Now, Mr. Jones, as I understand it, during the time you were traveling for your employer did your employer furnish you a car and reimbursed you for your expenses?



A. Yes sir.

Q. How many days a week were you engaged in that occupation?

A. Five and one-half days.

Q. Then for one and one-half days a week you were at home on the average?

A. Yes.

Q. Those expenses are paid leaving your expenses for one and one-half days unpaid?

A. I am only paid while I am on the road. I am not paid while I'm working headquarters like Mobile.

Q. And you are on the road five and one-half days?

A. I work five and a half days whether I am on the road or in Mobile. I work not quite half the time on the road and the rest of the time I work headquarters.

Q. Then you would say you were on the road and your expenses reimbursed not quite half the time?

A. Right.

Q. How much do you estimate that it costs you per week to live in addition to your time for which you are reimbursed, including house payments, refrigerator payments and so forth? The time for which you are not reimbursed? We want to show the Register how much expenses actually are reimbursed and how much are your own.

A. I have all my expenses. I eat out, laundry, I am not reimbursed for those things.

Q. A little more than half of each week?

A. Yes sir. In other words, I go out on Monday and come back Friday, Monday through Thursday I am reimbursed. While I am in Mobile I am not.

Q. How much of your monthly salary do you expend for house payments, refrigerator payments and the obligations you testified to a moment ago?

A. The house payments are forty dollars a month, the refrigerator payments ten dollars and the bills I would say run six or seven dollars a month.

Q. You mean utility bills?

A. Yes.

Q. Is this refrigerator you are paying for in the home?

A. Yes sir.

Q. As to your monthly salary, tell the Register what your total salary per month is?

A. Two hundred thirty dollars a month before deductions.

Q. Before deductions?

A. They take out a little for old age benefit, insurance and so forth.

Q. What do you estimate your net take-home pay is each two weeks?

A. Exactly one hundred twelve dollars and thirty-five cents since the first of the year. Before the first of the year it was one hundred twelve dollars and ninety-three cents.

That's all

#### ON CROSS EXAMINATION

By Mr. Thompson

Q. Mr. Jones, you were stating you were reimbursed but you didn't state specifically the items for which you were reimbursed. Let me ask you this. Are you reimbursed for your automobile expense?

A. Yes sir.

Q. Are you reimbursed for your hotel bills away from home?

A. Yes.

Q. Are you reimbursed for your meals when you are away from home?

A. Yes sir.

Q. But you are not reimbursed for your laundry and things like that?

A. No.

Q. Not reimbursed for clothing?

A. Only meals and lodging.

Q. And automobile expense?

A. And automobile expense.

Q. You stated you had offered the house back to your wife and children to live by themselves?

A. Yes sir.

Q. What was the last occasion on which you made that offer?

A. I believe it was about a day or two after Christmas, around the twenty-seventh of the month.

Q. Did Mrs. Jones ask you for the house this past week?

A. No sir.

Q. She didn't ask you?

A. No sir, she said she had asked me several times but she didn't ask me.

Q. Isn't it true, Mr. Jones, that when she had to move out of the house you cut off her charge account at the grocery store?

MR. BENNETT: We object to the line of question. What we are trying to establish is what was provided in the interrim. I wouldn't say this has any part of the jurisdiction.

MR. THOMPSON: That would have this Mr. Bennett. That I want to show that whatever she was getting was denied other than what she admitted receiving the part she admitted receiving from him in the testimony in the rebuttal.

MR. BENNETT: I enter my objection again on the same grounds that all we need to establish is his earning power and the proper needs for herself and her children until we have a final hearing in this case.

Q. I will ask this. Did you know this coat when it was laid up here?

A. Yes.

Q. Know it belongs to your boy?

A. Yes.

Q. You haven't bought one for him?

A. Yes sir.

Q. Where is it?

A. I don't know where it is. The same time I bought a coat for the little girl. With her permission I carried them and bought, no I ask to carry and she wouldn't let me, I carried the little boy and hunted all over Mobile and couldn't find an overcoat, sport coat, mackinaws except one little bright colored - - I went in Brownsfeld's and asked him to send one over from their store in Pascagoula - - In the meantime I bought a lighter coat. It wasn't a heavy overcoat though I told him maybe it wouldn't be too cold until the other came in.

Q. You stated to the court that you could find a coat in Pascagoula and couldn't find one in Mobile?

A. Found it in Fairhope, Brownsfields.

Q. You didn't find one in Fairhope?

A. I went to Mobile and coldn't find one, that's right.

Q. Your total expenses add about how much? First, your expenses you have to meet before providing for your children and the expenses paid out, how much did you testify to?

Q. I don't understand the question?

Q. I am endeavoring to show how much expenses, regular expenses have come out of your salary of one hundred and twelve dollars, now how much would that expense amount to?

A. Amounted to all of it. Time I would get one check the other one would be gone.

Q. That included buying your clothes at seventy-five dollars a suit?

A. I haven't bought one at seventy-five dollars.

Q. You didn't buy any? I hand you this (handing witness paper). Was this receipt you got when you bought the suit?

A. That's right.

Q. Do you care to change your testimony? You didn't buy it for seventy-five dollars?

A. No sir.

Q. Yet, we would like the record to show this seventy-six dollars and a half -

MR. BENNETT: We object. He is going outside the jurisdiction of this hearing.

MR. THOMPSON: I am endeavoring to see how much money he has left after he paid his necessary expenses a man has to pay. I wanted to see if there was any left and your client has admitted that the seventy-six dollars and a half receipt was for a suit for himself and that would evidently be part of where the money went.

That's all

ON RE DIRECT EXAMINATION.

By Mr. Bennett

Q. Getting back to reimbursing the expenses you stated on question of counsel for complainant that you were reimbursed for your automobile expenses and lodging and meals while you were on the road, is that right?

A. Yes sir.

Q.. You testified before that that you were on the road a little less than half the time each month?

A. Counting weekends it's a lot less. When I am home it's a lot less.

Q.. When you are at home it's less but if you are working out of the home office your automobile expenses are reimbursed?

A. Yes sir.

Q.. All the time?

A. If I'm on company business.

Q.. Automobile expenses are not reimbursed if you are not engaged in company business?

A. No sir. I have to be on company business and if I'm not on company business it's six cents a mile for use of the car.  
That's all.

ON RE CROSS EXAMINATION

By Mr. Thompson

Q.. Does that car belong to the company?

A. Yes sir.

Q.. They furnish all the gas and oil?

A. Yes.

Q.. And if you use it you pay six cents a mile?

A. Yes.

I would like to put Mrs. Jones on for one statement.

Q.. Mrs. Jones, after your separation how much, did he pay your grocery bill?

A.. About two weeks. Arthur Mannich called me. He owns the grocery store and he called me out front and told me he couldn't let me have any more groceries that Hollie had been in and told him I no longer could.

Q.. That about two weeks after your separation?

A. About two weeks after our separation.

Q. About the last of October or first of November?

A. Yes.

That's all.

I would like to place Mr. Jones on in rebuttal

Q. Mr. Jones, I will ask you to examine that. (Handing witness a paper). Have you seen it before?

A. Yes sir.

Q. What is it?

A. A bill from Arthur Mannich at the City Market for groceries.

Q. This bill here, twelve dollars and thirty-five cents, did you purchase the articles for which this statement was given you?

A. No sir.

Q. Did Mr. Mannich tell you by whom it was purchased?

A. He didn't tell me. I guess he presumed I knew.

Q. And it amounted to twelve dollars and thirty-five cents?

A. Yes sir.

Q. I will ask that it be noted the sixteenth of December, 1949.

MR. THOMPSON: Let me read into the record that it is an account stated, not an itemized statement. There is no date on this bill showing when it was purchased.

Q. As I understand, this bill is for groceries for the children?

A. Yes sir, supposed to have been.

Q. I will ask you to look at these statements. (Handing witness papers). Have you seen them before?

A. Yes sir.

Q. What are they and where did you see them?

A. Tickets on groceries at Arthur Mannich's.

Q. You paid them?

A. Yes sir.

Q. I will ask you to note it on, the date on the fact, ten thirty-one forty-nine, in the amount of \$17.15.

Another dated eleven twenty-nine forty-nine for \$7.65.

Another dated November 3, 1949 in the amount of \$22.35.

Another dated Eleven, seven forty-nine for \$2.82.

Another dated 26 November 1949 for \$4.84.

Another dated 6 December 1949 for \$7.65.

Q. Mr. Jones, did all of these come from the same place, the City Market and Grocery?

A. Yes.

Q. All for groceries supplied your wife and children. Look at the tickets. Who did she charge them to?

A. I would have kept them up but every day or two her sister and some of her friends began to eat there so - told him to stop charging-

Q. What is the date of that?

A. Ten thirty-one in that year, probably two or three days later, after the first of November.

#### ON CROSS EXAMINATION

By Mr. Thompson

Q. You told, you stated that on or about October thirty-first you told him to stop?

A. After about three days I imagine.

Q. You told him to stop charging them to you?

A. Yes.

Q. As so far as you know she didn't charge anything else?

A. No.

#### ON RE DIRECT EXAMINATION

By Mr. Bennett

Q. Mr. Jones, in addition to these bills you furnished clothing, medicine for your wife and children?

A. Yes.

Q. Please state to the Register the occasions, amount, what they were.

A. Before she filed this petition I didn't get receipts, I would give her cash, ten dollars maybe once a week, fifteen dollars sometimes and after she filed this, whatever it is, I went to paying by check, ten dollars a week. She got all those out of the mail box. I don't have them.

Q. How much do you estimate in cash you have paid the complainant in this case since your separation?

A. We have been separated four months and I would say it hadn't been under ten dollars a week for the four months the actual cash I couldn't say.

Q. Roughly then, one hundred and sixty dollars in cash in addition have you furnished any clothing, medicine for the children?

A. Yes sir.

Q. Please state to the Court what you purchased for the children?

A. Bought both of them a pair of shoes, boots, both came to over ten dollars, both pairs, I bought the little boy a pair of tap shoes and the little girl a pair of sandal shoes the day I went to Mobile I bought the little girl three pair of corduroyx pants and two T-shirts, two dresses and bought the little boy three pair of pants that same day, two T-shirts and this coat I have given her money any time she asked for it, bought medicine for him, bought costumes, she said he was going to be in a recital, gave cash for that, different things like that.

Q. You said you purchased medicine, can you state how much medicine you bought since your separation?

A. I would have to figure it up.

Q. Will you state whether or not you paid any doctor bills for either your wife or the children since your separation?

A. I have for her. I haven't for the children.

Q. Ever been asked to pay doctor bills since your separation?

A. No.

Q. So far as you know, you know whether or not there are any outstanding doctor bills?

A. I owe fifteen dollars to Dr. Bell for when the little girl was sick.

Q. Is that the only doctor bill you ever had notice of?

A. Yes sir.

That's all

Signatures of witnesses to the testimony are waived.

*Transcribed and filed this 6 day of February, 1950.*

*Ora S. Nelson, Commissioner*

*#8 20*



HARRIET C. JONES

Complainant

Vs.

HOLLIE JONES

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2405

This cause is submitted for a decree upon the report of the Register filed herein on the twenty ~~second~~ <sup>third</sup> day of January, 1950, and ordered to lie over one day for exceptions, and it now appearing that no exceptions or objections have been filed thereto, upon consideration thereof, it is ordered, adjudged and decreed by the Court as follows:

First: That the report of Register be and it is hereby in all things ratified and confirmed.

Second: That the Respondent pay to the Complainant the sum of Sixty (\$60.00) Dollars per month, as alimony pendente lite, payable on the first day of each month, the first payment being due and payable February 1, 1950.

Done and ordered, this the 27<sup>th</sup> day of January, 1950.

J. Fair J. Mashburn, Jr.  
Circuit Judge, in Equity Sitting

RECORDED

FILED

JAN 27 1950

ALICE J. DUCK, Registrar

HARRIET C. JONES

Complainant

Vs

HOLLIE JONES

Respondent

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2405

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Now comes the Complainant and respectfully shows to the Court  
that by order of this Court made and entered on to-wit,  
the Respondent was ordered to pay to the Complainant the sum of Sixty  
(\$60.00) Dollars for maintenance and support of David Allen Jones and  
Harriet Catherine Jones; that said Respondent has wilfully failed to pay said  
sum; that Complainant is entirely without funds for her support.

WHEREFORE, she respectfully prays that the Court make and enter  
an order requiring Respondent to show cause if any he has why he should not  
be adjudged guilty of contempt of this Court for failure to obey order of  
this Court requiring him to pay to the Complainant the sum of Sixty (\$60.00)  
each month for the maintenance and support of David Allen Jones and Harriet  
Catherine Jones.

Harriet C. Jones  
Petitioner

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, C. LeNair Thompson, a Notary Public in and for said  
county, personally appeared HARRIET C. JONES, who is known to me and who  
being by me first duly sworn, deposes and says that she has knowledge of the  
facts stated in the above petition and that same are true.

*Dec 16, 1950*

C. LeNair Thompson  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

HARRIET C. JONES

Complainant

Vs

HOLLIE JONES

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2405

This day came HARRIET C. JONES and filed herein her verified petition praying for an order upon HOLLIE JONES to show cause why he should not be punished as for a contempt; a true and verified copy of the petition being herein attached, and now upon consideration of the same, it is

ORDERED, ADJUDGED AND DECREED by the Court:

(1) That the said HOLLIE JONES do appear before the Court in his own proper person at Bay Minette, Alabama, at 10<sup>00</sup> o'clock on the 3<sup>rd</sup> day of January, 1951, then and there to show cause, if any he have, why he should not be punished as for a contempt of Court for and on account of the matters and things set out in the verified petition of the said HARRIET C. JONES.

(2) That the Sheriff of Baldwin County, Alabama do forthwith cause to be served upon the said HOLLIE JONES a copy of this order and a copy of the petition and make due return thereof.

Done this 20<sup>th</sup> day of December, 1950.

J. J. Massey, Jr.  
Judge

Received in Sheriff's Office  
this 2nd day of Dec, 1950  
TAYLOR WILKINS, Sheriff

Not found in my County  
after diligent search  
and inquiry as to Walker  
Jones 1-24-51

Taylor Wilkins Sheriff  
14-7-14 all D.S.

Original

FILED

DEC 20 1950

ALICE L. BUCK, Register

Copy no 2405-

HARRIET C. JONES

Complainant

Vs

HOLLIE JONES

Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY NO. 2405

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Now comes the Complainant and respectfully shows to the Court  
that by order of this Court made and entered on to-wit,  
the Respondent was ordered to pay to the Complainant the sum of Sixty  
(\$60.00) Dollars for maintenance and support of David Allen Jones and  
Harriet Catherine Jones; that said Respondent has wilfully failed to pay said  
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an order requiring Respondent to show cause if any he has why he should not  
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this Court requiring him to pay to the Complainant the sum of Sixty (\$60.00)  
each month for the maintenance and support of David Allen Jones and Harriet  
Catherine Jones.

Harriet C. Jones  
Petitioner

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, C. LeNoir Thompson, a Notary Public in and for said  
county, personally appeared HARRIET C. JONES, who is known to me and who  
being by me first duly sworn, deposes and says that she has knowledge of the  
facts stated in the above petition and that same are true.

This Dec-16, 1950

C. LeNoir Thompson  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

HARRIET C. JONES

Complainant

Vs

HOLLIE JONES

Respondent

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 2405

This day came HARRIET C. JONES and filed herein her verified petition praying for an order upon HOLLIE JONES to show cause why he should not be punished as for a contempt; a true and verified copy of the petition being herein attached, and now upon consideration of the same, it is

ORDERED, ADJUDGED AND DECREED by the Court:

(1) That the said HOLLIE JONES do appear before the Court in his own proper person at Bay Minette, Alabama, at 10:00 o'clock on the 3rd day of January, 1950, then and there to show cause, if any he have, why he should not be punished as for a contempt of Court for and on account of the matters and things set out in the verified petition of the said HARRIET C. JONES.

(2) That the Sheriff of Baldwin County, Alabama do forthwith cause to be served upon the said HOLLIE JONES a copy of this order and a copy of the petition and make due return thereof.

Done this 20th day of December, 1950.

Telfair J. Mashburn, Jr  
Judge

FILED  
DEC 20 1950  
FBI - NEW YORK



HARRIET C. JONES

Complainant

Vs

HOLLIE JONES

Respondent

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

, IN EQUITY NO. 2405

This day came HARRIET C. JONES and filed herein her verified petition praying for an order upon HOLLIE JONES to show cause why he should not be punished as for a contempt; a true and verified copy of the petition being herein attached, and now upon consideration of the same, it is

ORDERED, ADJUDGED AND DECREED by the Court:

(1) That the said HOLLIE JONES do appear before the Court in his own proper person at Bay Minette, Alabama, at \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_, 1950, then and there to show cause, if any he have, why he should not be punished as for a contempt of Court for and on account of the matters and things set out in the verified petition of the said HARRIET C. JONES.

(2) That the Sheriff of Baldwin County, Alabama do forthwith cause to be served upon the said HOLLIE JONES a copy of this order and a copy of the petition and make due return thereof.

Done this \_\_\_\_\_ day of \_\_\_\_\_, 1950.

\_\_\_\_\_  
Judge

Respondent.

IN EQUITY. NO. 2405

MOTION TO RETAX COSTS.

Now comes the Respondent and Cross Complainant and moves the Court to retax the costs in this cause, all of which were taxed against him in the Final Decree heretofore rendered in this cause, because in the Stipulation between the parties filed in this cause, prior to the rendition of the Final Decree, it was agreed that one-half of the costs would be paid by the Complainant and one-half by the Respondent.

WHEREFORE, the said Respondent moves the Court to retax the costs in accordance with the said Stipulation.

J. B. Blackburn

Solicitor for Respondent.

# MOTION TO RETAX COSTS

HARRIET C. JONES,

Complainant

vs.

HOLLIE JONES,

**Respondent.**

Filed 10-25-50  
Miss J. vanick  
Bryn Mawr