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THE STATE OF ALABAMA - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1948-49

1 Div 328

Marie A. Guenther

v.

Fredrick A. Guenther

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IT IS ORDERED, upon the suggestion of appellant's attorneys that both parties are dead, that the appeal in this cause be and the same is hereby abated.

IT IS FURTHER ORDERED AND ADJUDGED that the costs of appeal of this Court and of the Circuit Court be taxed against the appellant and Rickarby and Rickarby, sureties on the appeal bond, for which costs let execution issue.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1 Div., No. 328

Marie A. Guenther, Appellant

v.

Fredrick A. Guenther, Appellee

From Baldwin Circuit Court.

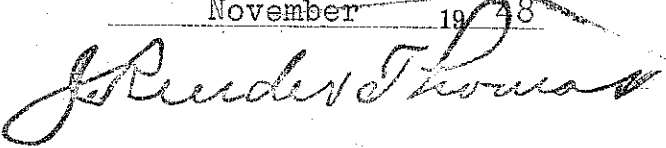
The State of Alabama, }
City and County of Montgomery. }

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages numbered ~~from one to~~ ~~inclusive~~ contain a full, true, and correct copy of the ORDER of abatement rendered on November 12, 1948, by _____ said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme

Court of Alabama, this the 12 day of

November 1948



Clerk of the Supreme Court of Alabama.

MARIE A. GUENTHER,
Complainant and Cross-Respondent

VS.

FREDERICK A. GUENTHER,
Respondent and Cross-Complainant

No. 1100
E Q U I T Y

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

I, T. J. CONNERY, as commissioner in the above styled cause have caused to come before me MARIE A. GUENTHER, witness for Complainant named in the attached interrogatories, who appeared before me at my office at 4236 West Madison Street in the City of Chicago, Illinois, and who, being first duly sworn, in answer to the interrogatories and cross-interrogatories testified as follows:

MARIE A. GUENTHER

INTERROGATORY 1.

I am a resident of Baldwin County, Alabama, but am at present living with relatives in the City of Chicago. Frederick A. Guenther is a resident of Alabama residing in the City of Mobile and both of us are over the age of twenty-one years.

Inty. 2.

Frederick A. Guenther and I were married in Bay Minette on December 27th, 1934 and lived thereafter on our home east of Fairhope until the early part of the year 1944 when we parted because of his actions and he left the place and has not returned since.

Inty. 3.

During our married life together my husband supported me with the active assistance of myself and my two daughters who worked on the farm and helped to cultivate it many times when he would be doing nothing. When I came down to the farm, I had some money of my own and spent all of this buying things for the place and on our support. He left me after he had attacked me and feared legal action.

Inty. 4.

In February 1943 my husband became enraged with me because my older daughter, who with her sister had come to the place at his invitation, refused to work further on the place, and went to Chicago to take a position there. The night she left my husband beat me up and tried to push me out of the upstairs window.

Inty. 5.

In October 1943 my husband became enraged because I spent \$4.00 of his money. I had a check of my own and told him I would return the money out of that; he flew into a rage and said he would make me give it to him then. He choked me, knowked me down on the bed and put his foot on my neck and tried to push my head off. He put his knee in my stomach and beat me with both hands; then reached over to his dresser and got his knife and cut me several times on the hand and nearly cut my middle finger off. Then he ran to get the ax, saying he would finish me. On his way out I threw a pitcher at him and hit him with this.

Inty. 6.

My husband left me in November, 1943, but came back in April. He had found out that I had brought suit for divorce and begged me not to do anything on this. He came back to see me in April, May and June. He told me he would get me a place in Mobile, but made no effort to do this and gave me no allowance. He promised to send me \$100. when he got to Mobile, but only sent me \$20. He has only given me \$100. in cash in four years. He came on four week ends to the farm and stayed over night the last time in May, 1944. I took my married daughter and baby to Chicago and he promised to send me money for my support, but he never did. Later, when he rented the land, he had Mr. Gooden, the Agent, pay me \$64., one-half of the rent; he had to do this or I would not join with him in the lease.

Inty. 7.

Since November, 1943, my husband has only given me \$100. over and above \$250.50 which I received from the sale of second hand machinery on the farm; my husband told me to sell and take what I could get for the worn out implements as he did not want to bother with a sale. Therefore, altogether I received \$350.50 from my husband. I have a list of the farm machinery that I sold. He had to give me \$64. before I would sign a lease for the land on the place and \$64. was half of this which Mr. J. E. Gooden paid me under his instructions.

Inty. 8.

After my husband went away from the house after he had hurt me, he did not return. I saw his lawyer who had advised him not to and told him I wanted Guenther to come back to me if he would treat me right but was afraid of him because of the way he treated me and because of his threats.

Inty. 9.

My husband is a skilled draftsman and up to comparatively recently had a steady job with a plant in Mobile where he made some \$80.-\$100. a week. He has never told me the right amount and I have learned this from outside.

Inty. 10.

My husband is frugal and does not spend much money and has probably saved most of what he has earned. He has certainly not spent it on me.

Inty. 11.

When we came to Baldwin County to live after I met him at Hot Springs, Arkansas and he had asked me to come to Baldwin County to be married and bring my two daughters to make a home there, I put in \$265. of my own money on his place and worked on it as a laborer as long as I stayed there. No part of this has been repaid to me.

Inty. 12.

My husband owns 80 acres in Baldwin County unencumbered. It had a nice house on it but it burned. There is still a good set of out-buildings on it in which I lived for quite a while. I know that on two occasions he had an offer of \$4,000. for the place and now know from a reliable source that he has agreed to sell it for \$5,500. as soon as he can get a divorce and give a good title.

Intys. 13 & 14.

I have a letter from his sister and know that no one else has any claim to this property and attach this letter hereto as Exhibit "A".

Intys. 15 & 16.

My health is not good and my daughter and other relatives have been supporting me since 1944. I am now living with them. For a while after my husband left I sold some \$250. worth of second hand machinery from the farm with his consent. With this and the \$100. I got from him, \$350.50 in all, and the \$64. rent, is all the money I received from him.

Outside of the \$250.50 which I got from the sale of farm implements, the \$100. he gave me at various times and \$64., my share of rent of the place, I have received no money from my husband but on the contrary spent some \$265. of my own money.

TO THE CROSS-INTERROGATORIES THE WITNESS TESTIFIES AS FOLLOWS:

MARIE A. GUENTHER

CROSS INTERROGATORY 1.

I had met respondent in Chicago and later he came to Hot Springs, Arkansas to arrange for me to come to Baldwin County to get married. My two girls came down with me, at his request, to make a home there, which I did my best to make a happy one.

Cross-Inty. 2.

My two daughters, Marie and Mamie, came down to Baldwin County with me when I came to get married. They lived on the place with us and got along fairly well with Fritz but he made them work very hard and later on my older daughter left to take a good job in Chicago and her leaving was the occasion of one of our serious conflicts.

Cross-Inty. 3.

I did not make a complaint to the Baldwin County authorities that Fritz was a German spy though I told them plainly that I suspected him of this because he was always making maps which he kept very secret, but he was already under suspicion and observation for this.

Cross-Inty. 4.

I did not ask for peace proceedings against my husband but made a charge of assault and battery against him after he had cut my hand. I am told that the Sheriff and County Solicitor advised him to stay away from our home and to leave me alone. I had every reason to be afraid of him and I made several visits to Bay Minette because of his treatment of me.

Cross-Inty. 5.

As I have already said, after he left me my husband sent me a little money but not enough for me to live on and had it not been for the help I had from my daughter and family in Chicago, I would have starved.

Cross-Inty. 6.

Fritz did not force me to leave the place other than to neglect me and force me to go away to keep from starving. I do not intend to live with him again as from the way he has treated me, I fear he would do me serious harm if we ever went back together.

Cross-Inty. 7.

The home place near Fairhope Fritz owned at the time of our marriage. It was given to him by his mother and no one else had any claim to it. I do not know of his acquiring any land after our marriage but he consistently had the opportunity to draw money and make a salary of nearly \$100. a week during the entire time of the war. He is a skilled workman and gets good money. He does not seem to be extravagant and should have the larger part of this now.

Cross-Inty. 8.

I was living on the property when the building was burned and Fritz was living in Mobile.

Cross-Inty. 9.

I do not recall how many times Fritz struck me but he was very cruel and mean to me. So much that I had to complain to the Baldwin County authorities.

Cross-Inty. 10.

When we lived together Fritz provided me with some of the necessities of life but not after we parted. Then the only money I received from him is what I have already told. My lawyer tried to get him to give me some-

MARIE A. GUENTHER,

Complainant,

VS.

FREDERICK A. GUENTHER;

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

NO.

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows :

1. That the following named witnesses reside within one hundred miles from Bay

Minette, in the County of Baldwin

Alabama, the place of trial of said cause, to-wit: H. A. Burns and E. A. Cramer,

both of Fairhope, Alabama.

2. That said complainant requires an oral examination of said witnesses before a commis-
sioner appointed by the Register of this Court.

Ristaly & Ristaly
Solicitor for Complainant.

NOTE:

Complainant suggests the name of Rhoda Allen

as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Ristaly & Ristaly
Solicitor for Complainant.

MARIE A. GUENTHER,
Complainant and Cross-Respondent

E Q U I T Y
#1100

-vs-

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

FREDERICK A. GUENTHER,
Respondent and Cross-Complainant

The Complainant and Cross-Respondent, Marie A. Guenther, hereby appeals from the judgment of the Circuit Court of Baldwin County, Alabama, rendered on the Twenty-second day of January, 1948, dismissing the Bill of Complaint and denying the relief prayed for.

The undersigned acknowledge themselves security for costs of said appeal, this the Fifth day of April, Nineteen Hundred Forty-eight.

by:

Her Solicitors.

Approved this the day of April, 1948.

Register.

MARIE A. GUENTHER,
Complainant and Cross-Respondent

-vs-

FREDERICK A. GUENTHER,
Respondent and Cross-Complainant

E Q U I T Y
#1100

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

The Complainant and Cross-Respondent, Marie A. Guenther, hereby appeals from the judgment of the Circuit Court of Baldwin County, Alabama, rendered on the Twenty-second day of January, 1948, dismissing the Bill of Complaint and denying the relief prayed for.

The undersigned acknowledge themselves security for costs of said appeal, this the Fifth day of April, Nineteen Hundred Forty-eight.

Marie A. Guenther
by:

Reis Carly & Reis Carly
Her Solicitors.

Elizabeth S. Reis Carly

Approved this the

day of April, 1948.

Alice J. Duchs
Register.

MARIE A. GUENTHER,
Complainant and Cross-Respondent

E Q U I T Y
#1100

-vs-

FREDERICK A. GUENTHER,
Respondent and Cross-Complainant

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

Comes the Complainant and Cross-Respondent in the above styled cause and gives notice of appeal from the judgment of the Circuit Court rendered on the Twenty-second day of January, 1948, to the Supreme Court of Alabama.

Solicitors for Complainant and Cross-Respondent.

The State of Alabama }
Baldwin County

IN THE CHANCERY COURT OF BALDWIN COUNTY

To Fredrick A. Guenther

Or To H. M. Hall, Solicitors of record.

Whereas, on the 7th day of April, 1948,

Marie A. Guenther

took an appeal from the decree rendered on the 22nd day of January

1948, by the Circuit Court of said county, in the cause of

Marie A. Guenther

versus

Fredrick A. Guenther

Now, therefore, you are cited to appear as required by law, before the Supreme Court of Alabama, to defend on said appeal, if you think proper so to do.

Witness my hand this 7th day of April, 1948

Wine J. Leuchs
Register in Chancery.

MARIE A. GUENTHER,
Complainant and Cross-Respondent

-vs-

FREDERICK A. GUENTHER,
Respondent and Cross-Complainant

E Q U I T Y
#1100

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

Comes the Complainant and Cross-Respondent in
the above styled cause and gives notice of appeal from the
judgment of the Circuit Court rendered on the Twenty-second day
of January, 1948, to the Supreme Court of Alabama.

R. L. Carley + R. L. Carley
Solicitors for Complainant and Cross-Respondent.

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

Comes MARIE A. GUENTHER, and by this her Bill of Complaint, presented against FREDERICK ADOLPH GUENTHER, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years and for more than five years next past bona fide residents of Baldwin County, Alabama, though Defendant at present is domiciled in Mobile where he is employed.

SECOND: That the parties hereto were married in Bay Minette, Alabama on December 27, 1934 and lived together as husband and wife on their farm six and one-half miles southeast of Fairhope until the early part of the current year when they parted as hereinafter set out.

THIRD: That at various times in their married life the Defendant has shown violent fits of temper in which he has been cruel to Complainant, on a number of occasions, once on February, 1943 beating her severely, in October, 1943 he cut her with a knife and she has since lived in fear for her life. Since November 1943 when he left her they have lived separate and apart with no resumption of marital relations.

FOURTH: That since said separation Frederick A. Guenther has done nothing towards the support and maintenance of Complainant, who was dependent for support solely upon the sale of chickens and eggs from the farm until the dwelling thereon burned down in February last since when she has had some financial assistance from her sister.

FIFTH: That said Guenther owns a farm which can readily be sold for at least \$6,000.00 and is employed as a skilled draftsman in Mobile with a weekly compensation of approximately \$100.00.

THE PREMISES CONSIDERED, Complainant prays that upon the hearing of this cause a decree be rendered forever divorcing her from the said Frederick A. Guenther, granting her the right to marry again should she so desire and an allowance from Defendant's

estate for her maintenance and support suitable for her needs and in accordance with his financial ability.

COMPLAINANT FURTHER PRAYS that an order be made forthwith commanding the Register of this Court to hold a reference to ascertain a suitable sum to be allowed Complainant as alimony pendente lite and also for the payment of her solicitor for his services in this cause and that upon the report of said Register such sums be allowed Complainant for the purposes aforesaid as to your Honor seem meet.

COMPLAINANT FURTHER PRAYS that Frederick A. Guenther be made party Defendant to this bill and by proper process required to answer same within the time prescribed by law; also that she may have such other, further or different relief as to equity may seem meet.

Elliott S. Rieckly
Solicitor for Complainant

MARIE A. GUENTHER,
Complainant,
VS.
FREDERICK A. GUENTHER,
Respondent.

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

This cause coming on to be heard is submitted for final decree on pleading and proof as noted by the Register; only the testimony of the Respondent and Cross Complainant is noted. I find in the file testimony (nnnoted) of the Complainant, Also, there is testimony (unnoted) as to alimony and reasonable Attorney's fee. If the unnoted testimony of the Complainant were considered, I am of the opinion that she has not made out a case, and met the burden of proof resting upon her. *The original Bill of Complaint is dismissed.* I find in the file an order of reference to ascertain alimony and Attorney's fee, but there seems to be no reference on same, or report thereof.

The testimony of the Respondent and Cross Complainant Frederick A. Guenther, is uncontradicted and makes a case for divorce on the ground of abandonment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Respondent and Cross Complainant, Frederick A. Guenther, and the Complainant and Cross Respondent, Marie A. Guenther, be and the same are hereby dissolved, and that the said Frederick A. Guenther is forever divorced from the said Marie A. Guenther, for and on account of abandonment.

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

It is further ordered that the Cross Complainant and Respondent, Frederick A. Guenther, and the Complainant and Cross Respondent, Marie A. Guenther, be and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Frederick A. Guenther, the Respondent and Cross Complainant, pay the cost herein to be taxed, for which let execution issue.

This the 22nd day of January, 1948.

F. W. Hare

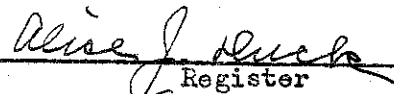
JUDGE

MARIE A. GUENTHER
COMPLAINANT
VS
FREDERICK A. GUENTHER
RESPONDENT

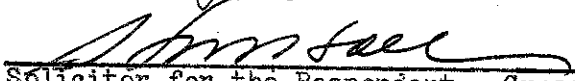
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.
NO. 1100

This cause is submitted for final decree on behalf of the Respondent,
cross complainant, Frederick A. Guenther, upon the following:

1.
Original answer.
2.
Amended answer and cross bill.
3.
Agreement of parties as to taking testimony.
4.
Testimony of Frederick A. Guenther.



Register



Solicitor for the Respondent, - Cross
Complainant

ELLIOTT G. RICKARBY

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

October 21, 1947

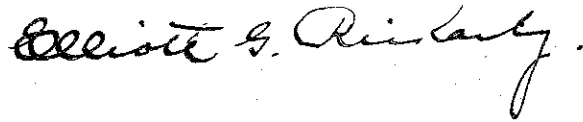
Mrs. Alice J. Duck
Register
Bay Minette, Alabama

Dear Mrs. Duck:

GUENTHER VS. GUENTHER: Please send the interrogatories and cross-interrogatories filed in this case to take the testimony of Mrs. Guenther as a witness, to the Commissioner named in the application to whom you should also send commission. We are writing to this gentleman, giving him the Alabama form for commencement and certificate and hope to have this testimony in the very near future.

We are also enclosing application for a commission to be issued to Miss Rhoda Allen to take the testimony of J. E. Gooden of this place and will ask you to have notice served on Mr. Hall that we will take this testimony on Friday morning, the 24th inst., at 10:00 a.m. at our office in Fairhope. We are writing Mr. Hall of this also.

Very truly yours,



for:
RICKARBY & RICKARBY

EGR:la
1959.
encl.

MARIE A. GUENTHER
Complainant

vs

FRIEZ A. GUENTHER
Respondent

No. 1100

EQUITY

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard upon the prayer of Complainant in her bill for an order of reference to ascertain a suitable amount to be allowed Complainant as alimony pendente lite out of the estate of the Respondent and a suitable sum to be allowed Complainant for counsel fees for services heretofore rendered Complainant's solicitor to this time.

IT IS THEREFORE ORDERED AND DECREED, that the Register of this Court set a day for hearing and passing upon the matters prayed for as here set out, and after giving due notice to the parties hereto, ascertain and report a suitable amount to be allowed Complainant, to be paid in monthly installments for her maintenance and support during the pendency of this cause, and that he further ascertain a suitable amount to be allowed Complainant for compensation for her solicitor for services rendered to this date and make report of his finding in the premises.

Done at Bay Minette in open Court this the 25th day of
September, 1944.

Judge.

MARIE A. GUENTHER,
Complainant and Cross-Respondent

vs

FREDERICK A. GUENTHER,
Respondent and Cross-Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes MARIE A. GUENTHER, and for answer to the cross-bill heretofore filed in this cause shows:

FIRST: She admits the averments in Paragraphs Fourth and Fifth of the cross-bill.

SECOND: Cross-Respondent denies the averments of the Sixth Paragraph of cross-bill and says that her separation from Cross-Complainant was not voluntary abandonment, but, on the contrary, he abandoned her bed and board of his own account, and in addition to the cruelty she alleged in the original bill, has left Cross-Respondent without means of support.

Cross-Respondent further shows that Cross-Complainant is not only a skilled workman who has made for a number of years high wages in a manufacturing plant in the city of Mobile, but is also the owner of a tract of land in Baldwin County, formerly the home on which Cross-Respondent lived, and which she prays be sold and the proceeds be divided equally between the parties hereto for her support and maintenance.

Cross-Respondent further prays that an Order of Reference be made commanding the Register of Court to ascertain and report a suitable allowance to be made to Cross-Respondent for her counsel fees in this cause and showing a further sum proper to be paid her as temporary alimony during the pendency of this litigation. Cross-Respondent further joins in the prayer of the cross-bill for a decree of divorce together with such sum for alimony and counsel fees as to this Court shall seem proper.

Richardy & Richardy

Solicitors for Complainant and
Cross-Respondent.

MARIE A. GUENTHER
Complainant

No. 1100

vs

E Q U I T Y

FRITZ A. GUENTHER
Respondent

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard upon the prayer of Complainant in her bill for an order of reference to ascertain a suitable amount to be allowed Complainant as alimony pendente lite out of the estate of the Respondent and a suitable sum to be allowed Complainant for counsel fees for services heretofore rendered Complainant's solicitor to this time.

IT IS THEREFORE ORDERED AND DECREED, that the Register of this Court set a day for hearing and passing upon the matters prayed for as here set out, and after giving due notice to the parties hereto, ascertain and report a suitable amount to be allowed Complainant, to be paid in monthly installments for her maintenance and support during the pendency of this cause, and that he further ascertain a suitable amount to be allowed Complainant for compensation for her solicitor for services rendered to this date and make report of his finding in the premises.

Done at Bay Minette in open Court this the 25th day of September, 1944.



Judge.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Marie A. Guenther Complainant

VS.

Frederick A. Guenther Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Frederick A. Guenther

witness named in the Requirement for Oral Examination, on the 3 day of July 1947, at the office of Hubert M. Hall in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Frederick A. Guenther doth depose and say as follows:

My name is Frederick A. Guenther. I am a bona fide resident of Baldwin County, Alabama, and I am over twenty-one years of age. I have been a bona fide resident of Baldwin County, Alabama, for the past thirty-nine years, and for more than three years next preceding the filing of the original bill of complaint in this cause.

The original complainant, Marie A. Guenther, and I were married at Bay Minette, Alabama, on December 27, 1934. We lived together as husband and wife in Baldwin County, Alabama, until the early part of the year 1944.

The said Marie A. Guenther in January, 1944, voluntarily abandoned my bed and board. She has been away continuous since that time. I have heard absolutely nothing from her since she went away, and do not know her address or whereabouts.

In 1908 my father, Adolph Guenther, purchased a farm of 80 acres Southeast of Fairhope in Baldwin County, Alabama. My father afterwards deeded the farm to my mother, Julia Guenther and she in turn conveyed to me. My mother conveyed the property to me in 1928, some six years or more before I met the Complainant, Marie A. Guenther.

At the beginning of the last World War I was employed in Mobile at the A.B.C. Steel Company. It was necessary for me to travel back and forth to my home and Mobile. On one occasion when I came in late the Complainant attached me but in order to save trouble I left and stayed with my neighbor for some time. I was then arrested by the authorities of Baldwin County, Alabama, and placed in jail. I was told by the authorities that the Complainant had made charges against me that I was a German spy. After remaining in jail some time I was advised by the authorities, after I had been given a clean slate by the Federal authorities that it was best that I avoid the Complainant as much as possible. I knew that it was impossible for me to live in the house with her. She was there and had with her one of her nieces. I provided them with money necessary to purchase the necessaries of life, and further permitted her the use of the home and property, livestock and feed that I have there together with chickens and all income therefrom. She sold my cow, all chickens and farm implements that I had. I continued to support and provide for her until she decided to leave. While the Complainant was occupying the place, for some unexplained reason the house burned. After that she lived in a small house on the farm and then moved into Fairhope, a short while during all that time I provided her with the necessaries of life. I did not at any time mistreat, abuse or strike the Complainant, however, thought it out and was advised by the authorities and friends that it was safer and better that I should live apart which I did, however, during all the time provided the Complainant with the necessaries of life.

I knew nothing about the Complainant leaving the county. I gave her no reason for leaving. She hasn't written to me since leaving. It is my understanding that she is some where in Chicago, Illinois. Mr. Elliot G. Richarby is now and has been all the time her solicitor.

The Complainant voluntarily abandoned my bed and board in January, 1944, and she has remained away voluntarily and continuously since that time.

Cross examination of Mr. Elliott G. Richarby, Solicitor for the Complainant, Marie A. Guenther.

Since we have been parted I have repeatedly given my wife money some times in large amounts and when her daughter was ill I gave her \$200.00 at one time.

In the last two or three years I have done nothing for my wife because I did not know her whereabouts. I have not heard from her direct nor have I been called on to do anything. this

When my wife first left me she did/of her own accord, this was about the beginning of 1944.

When I first left my wife it was after she had me arrested and/peace bond and under the advise of my lawyer and of the then sheriff I moved out of the house and went and stayed with a neighbor. Later my wife tried to accuse me of wrong doings where I was and again moved to Mobile where I have been living ever since.

The place of which I testify is some 80 acres and had on it when we parted a nice house. This house has since burned down. After that my wife stayed in the wash house in the rear until she moved awar and went to Chicago.

After I came from Mobile I worked for the ABC Steel Equipment Company of New York. There, had a good position, and during the war made good wages of about \$10.00 to \$15.00 a day. I worked for then for close to three years and then when they closed up in Mobile and went to Florida I went to work for the Waterman Steamship Company in the drafting roon of the Joiners Shop, where I worked until up to about two months ago, There business slackened up and as I was on the night shift I was laid off about two months ago, since then I have been without employment.

When the house wn the place I refereed to it was a nice house with modern improvments and worth a lot of money. When the house was destroyed andre was burned up, it had a number of records of the experiments made by my father who was an expert electro-chemist. Esalso had a collection of foreign stamps that had been in the famil for generations and destroyed these. These were worth many thousands of dollars. I have since had an offer for the land of \$4000.00 but did not want to sell it as my sister olaims to have an interest in it even though the deed is made to me.

Frederick A. Guenther

THE STATE OF ALABAMA, }
BALDWIN COUNTY. }

Circuit Court

to: Miss Rhoda Allen

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 H. A. Burns and E. A. Cramer

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

Marie A. Guenther

_____, Complainant

and Fredrick A. Guenther

_____, Respondent

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

Witness 31 day of December, 194 7

Alice J. Leuch
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
IN EQUITY

Complainant

Respondent

DEMAND FOR ORAL EXAMINATION

DEMAND FOR ORAL EXAMINATION.

BT-2-47-100

MARIE A. GUENTHER,
Complainant,

Vs.

FREDERICK A. GUENTHER,
Respondent.

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

Filed this day of,
194

Register.

RECORDED

MARIE A. GUENTHER,
Complainant and Cross-
Respondent

-VS-

FREDERICK A. GUENTHER,
Respondent and Cross-
Complainant

SECURITY FOR COSTS

.....

RICKARBY & RICKARBY,
Solicitors for Complainant
and Cross-Respondent

paid
#7-48
Deed & Deeds
Original

RECORDED

MARIE A. GUENTHER,
Complainant and Cross-
Respondent

-VS-

FREDERICK A. GUENTHER,
Respondent and Cross-
Complainant

.....

NOTICE OF APPEAL

.....

*filed
4-9-48
Doris L. Duck
Seymour*

RICKARBY & RICKARBY,
Solicitors for Complainant and
Cross-Respondent

Executed 4-7-88
by serving copy on William Stall
Complaint on William Stall

By W. Stall Deputy Sheriff

RECORDED
71100

MARIE A. GUENTHER Complainant
vs.
FREDRICK A. GUENTHER Respondent

CITATION OF APPEAL
IN EQUITY

Issued 12th day of April 1988

MARIE A. GUENTHER

COMPLAINANT

VS

FREDERICK A. GUENTHER

RESPONDENT

NOTE OF TESTIMONY

FILED

JUL 11 1947

Alice J. Dink, Registrar

Reese

Armed

1-29-48

Don't touch

Loopy

MARIE A. GUENTHER
Complainant

vs

FRITZ A. GUENTHER
Respondent

ORDER OF REFERENCE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MARIE A. GUNTHER,
Complainant and Cross-Respondent
vs
FREDERICK A. GUNTHER,
Respondent and Cross-Complainant

Comes MARIE A. GUNTHER, and for answer to the cross-bill

heretofore filed in this cause shows:

FIRST: She admits the averments in Paragraphs Fourth and

Fifth of the cross-bill.

SECOND: Cross-Respondent denies the averments of the Sixth
Paragraph of cross-bill and says that her separation from Cross-
Complainant was not voluntary abandonment, but, on the contrary,
he abandoned her bed and board of his own accord, and in addi-
tion to the cruelty she alleged in the original bill, has left

Cross-Respondent further shows that Cross-Complainant is
not only a skilled workman who has made for a number of years high
wages in a manufacturing plant in the city of Mobile, but is also
the owner of a tract of land in Baldwin County, formerly the home
on which Cross-Respondent lived, and which she prays be sold and
the proceeds be divided equally between the parties hereto for
her support and maintenance.

Cross-Respondent further prays that an Order of Reference
be made commanding the Register of Court to ascertain and report
a suitable allowance to be made to Cross-Respondent for her counsel
fees in this cause and showing a further sum proper to be paid her
as temporary alimony during the pendency of this litigation. Cross-
Respondent further joins in the prayer of the cross-bill for a decree
of divorce together with such sum for alimony and counsel fees as to

this Court shall seem proper.

Solicitors for Complainant and
Cross-Respondent.

Richard B. ...

copy

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness—and read over to him and he signed the same in the presence of myself and Hubert M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proom made before me of the identity of said witness—; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 3 day of July, 1947.

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Marie A. Guenther

vs. Complainant

Frederick A. Guenther

Respondent.

Oral Deposition

Filed _____, 194_____

Register.

Recorded in

Record

Vol. _____ Page _____

Register.

Department of
Agriculture

filed
2-3-47
A. J. Duck
Roy

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

MARIE A. GUENTHER

Complainant

VS.

FREDRICK A. GUENTHER

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

THE SUPREME COURT OF ALABAMA

1 Div., No. 328

Marie A. Guenther

Appellant,

v.

Fredrick A. Guenther

Appellee.

From Baldwin Circuit Court.

Certified Copy of

Order of abatement

HOPE PRINTING CO., MONTGOMERY, ALA., 1944

FILED

NOV 13

1948

ALICE L. DICK, REGISTRAR

THE STATE OF ALABAMA }
Baldwin County }

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

MARIE A. GUENTHER, COMPLAINANT

vs.

FREDERICK A. GUENTHER, RESPONDENT

I, Rhoda L. Allen

as ~~Register and~~ Commissioner _____

have called and caused to come before me H. A. BURNS and E. A. CRAMER

witness^{es} named in the requirement for Oral Examination, on the 3rd day of January,

1948, at the office of RICKARBY & RICKARBY

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

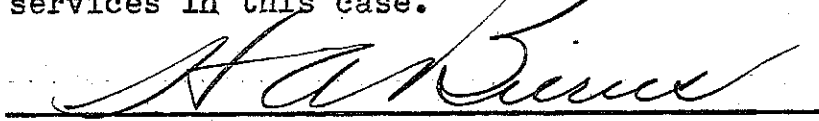
truth, the whole truth, and nothing but the truth, the said H. A. BURNS and

E. A. CRAMER

doth depose and say as follows:

H. A. BURNS

I am a life long resident of Alabama and have practiced law both in Birmingham and Montgomery and am now located in Fairhope. I am familiar with the prices charged in equity matters, particularly in matters of divorce and have looked casually at the file showed me by Mr. Rickarby, as to the correspondence and pleadings in the case of Guenther vs. Guenther. In view of the fact that the Defendant, Mr. Guenther, is a skilled workman who has been continuously employed at a salary of between seventy-five and one hundred dollars per week during the recent war and that the couple own jointly real estate in Baldwin County valued at over five thousand dollars, in my opinion a fee of two hundred fifty dollars would be a reasonable one to be allowed Complainant's solicitor for his services in this case.



E. A. CRAMER

I am a practicing lawyer in the Town of Fairhope and have been practicing in Baldwin County for the past 7 years, prior to that time I practiced in the City of Stamford, Connecticut for 15 years. I am familiar with the scale of charges and rates of fees for equity matters and have been shown the office file of the pleadings and correspondence in the Guenther case and upon this, as well as the assurance that the property interests involved between the persons exceeds five thousand dollars, I think that a fee of two hundred fifty dollars for Complainant's solicitor would be not only proper but very reasonable.



I, Rhoda L. Allen as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and E. G. Rickarby, Complainant's solicitor at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 3rd day of January, 1948.

Rhoda L. Allen (L. S.)
Commissioner

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

MARIE A. GUENTHER,

COMPLAINANT

vs.

FREDERICK A. GUENTHER,

RESPONDENT

ORAL DEPOSITION

Filed 1-10, 1948

Miss J. M. ... Register.
RECORDED IN

Record

Vol. _____ Page _____

Register

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes MARIE A. GUENTHER, and by this her Bill of Complaint, presented against FREDERICK ADOLPH GUENTHER, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years and for more than five years next past bona fide residents of Baldwin County, Alabama, though Defendant at present is domiciled in Mobile where he is employed.

SECOND: That the parties hereto were married in Bay Minette, Alabama on December 27, 1934 and lived together as husband and wife on their farm six and one-half miles southeast of Fairhope until the early part of the current year when they parted as hereinafter set out.

THIRD: That at various times in their married life the Defendant has shown violent fits of temper in which he has been cruel to Complainant, on a number of occasions, once on February, 1943, beating her severely, in October, 1943 he cut her with a knife and she has since lived in fear for her life. Since November 1943 when he left her they have lived separate and apart with no resumption of marital relations.

FOURTH: That since said separation Frederick A. Guenther has done nothing towards the support and maintenance of Complainant, who was dependent for support solely upon the sale of chickens and eggs from the farm until the dwelling thereon burned down in February last since when she has had some financial assistance from her sister.

FIFTH: That said Guenther owns a farm which can readily be sold for at least \$6,000.00 and is employed as a skilled draftsman in Mobile with a weekly compensation of approximately \$100.00.

THE PREMISES CONSIDERED, Complainant prays that upon the hearing of this cause a decree be rendered forever divorcing her from the said Frederick A. Guenther, granting her the right to marry again should she so desire and an allowance from Defendant's estate for her maintenance and support suitable for her needs and in accordance with his financial ability.

COMPLAINANT FURTHER PRAYS that an order be made forthwith commanding the Register of this Court to hold a reference to ascertain a suitable sum to be allowed Complainant as alimony pendente lite and also for the payment of her solicitor for his services in this cause and that upon the report of said Register such sums be allowed Complainant for the purposes aforesaid as to Your Honor seem meet.

COMPLAINANT FURTHER PRAYS THAT Frederick A. Guenther be made party Defendant to this bill and by proper process required to answer same within the time prescribed by the law; also that she may have such other, further, or different relief as to equity may seem meet.

Elliott G. Rickarby

Solicitor for Complainant.

MARIE A. GUENTHER,
Complainant,
VS.
FREDERICK A. GUENTHER
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.
NO. 1100

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from
Bay Minette, in the County of Baldwin,
Alabama, the place of trial of said cause, to-wit: In the Town of Bay Minette,
Alabama, the name of said witness being
J. E. Gooden.

2. That said complainant requires an oral examination of said witnesses before a commissioner appointed by the Register of this Court.

Riskley & Riskley
Solicitor for Complainant

NOTE:

Complainant suggests the name of Rhoda L. Allen,
as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Riskley & Riskley
Solicitor for Complainant

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

MARIE A. GUENTHER, _____ Complainant

VS.

FREDERICK A. GUENTHER, _____ Respondent

I, **RHODA L. ALLEN** _____

~~Register~~ Commissioner _____

have called and caused to come before me **Mr. J. E. GOODEN** _____

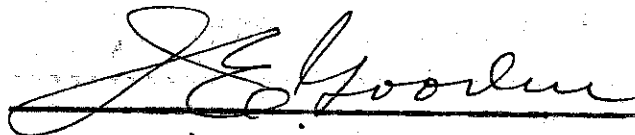
witness _____ named in the Requirement for Oral Examination, on the **24th** day of **October,**
1947., at the office of **Rickarby & Rickarby, Solicitors for Complainant**
in **Fairhope,** _____, Alabama, and having first sworn said Witness _____ to speak the
truth, the whole truth, and nothing but the truth, the said **J. E. Gooden** _____

_____ doth depose and say as follows:

J. E. GOODEN

I am a resident of Fairhope, Baldwin County, Alabama, and am engaged in the business of buying and selling real estate for which I hold a Realtor's License. Because of the nature of my business, I am familiar with the value of lands in the community adjacent to Fairhope and in south Baldwin County.

I am well acquainted with the eighty acre farm owned by Fritz A. Guenther southeast of Fairhope. In the latter part of the year 1944 or the early part of 1945, I submitted to Mr. Guenther and to Mr. Rickarby, Mrs. Guenther's attorney, an offer from a responsible purchaser to buy this 80 acres at the price of \$4,000. Mr. Rickarby reported that this price would be satisfactory to his client, who was then suing her husband for divorce, and that he had passed on the offer to Mr. Hall, attorney for Mr. Guenther, but could get no response. Several months later this same prospective purchaser renewed his offer, but I was informed that Mr. Guenther was not willing to sell at this figure. I have reason to believe that this gentleman would still be interested in buying the farm and I have also recently been informed by a responsible party, in whom I place entire credence, that Mr. Guenther has a bona fide offer of \$6,500. and has agreed to sell it as soon as he can give title which he expects to do at an early date, when he hopes his divorce will be granted.



MARIE A. GUENTHER,
Complainant and Cross-Respondent

-vs-

FREDERICK A. GUENTHER,
Respondent and Cross-Complainant

E Q U I T Y #1100

CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA

At the hearing of this cause the following notes of evidence were taken, to-wit:

- 1st., For Complainant, Deposition of Marie A. Guenther and exhibits.
- 2nd, Depositions of E. A. Cramer and H. A. Burns.


Solicitors for Complainant.

MARIE A. GUENTHER,
Complainant.

VS.

FREDERICK A. GUENTHER,
Respondent.

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

This cause coming on to be heard is submitted for final decree on pleading and proof as noted by the Register; only the testimony of the Respondent and Cross Complainant is noted. I find in the file testimony (unnoted) of the Complainant. Also, there is testimony (unnoted) as to alimony and reasonable Attorney's fee. If the unnoted testimony of the Complainant were considered, I am of the opinion that she has not made out a case, and met the burden of proof resting upon. The original bill of Complaint is dismissed.

I find in the file an order of reference to ascertain alimony and Attorney's fee, but there seems to be no reference on same, or report thereof.

The testimony of the Respondent and Cross Complainant Frederick A. Guenther, is uncontradicted and makes a case for divorce on the ground of ~~his~~ abandonment.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Respondent and Cross Complainant, Frederick A. Guenther, and the Complainant and Cross Respondent, Marie A. Guenther, be and the same are hereby dissolved, and that the said Frederick A. Guenther is forever divorced from the said Marie A. Guenther, for and on account of abandonment.

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

It is further ordered that the Cross Complainant and Respondent, Frederick A. Guenther, and the Complainant and Cross Respondent, Marie A. Guenther, be and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Frederick A. Guenther, the Respondent and Cross Complainant, pay the cost herein to be taxed, for which let execution issue.

This the 22nd day of January, 1913.

P. W. HARR,
Judge.

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

Witness my hand and seal this the 16th day of February, 1913.

Register of Circuit Court, in Equity.

MARIE A. GUENTHER,
Complainant.
VS.
FREDERICK A. GUENTHER,
Respondent.

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

This cause coming on to be heard is submitted for final decree on pleading and proof as noted by the Register; only the testimony of the Respondent and Cross Complainant is noted. I find in the file testimony (unnoted) of the Complainant. Also, there is testimony (unnoted) as to alimony and reasonable Attorney's fee. If the unnoted testimony of the Complainant were considered, I am of the opinion that she has not made out a case, and met the burden of proof resting upon. The original bill of Complaint is dismissed.

I find in the file an order of reference to ascertain alimony and Attorney's fee, but there seems to be no reference on same, or report thereof.

The testimony of the Respondent and Cross Complainant Frederick A. Guenther, is uncontradicted and makes a case for divorce on the ground of ~~XX~~ abandonment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Respondent and Cross Complainant, Frederick A. Guenther, and the Complainant and Cross Respondent, Marie A. Guenther, be and the same are hereby dissolved, and that the said Frederick A. Guenther is forever divorced from the said Marie A. Guenther, for and on account of abandonment.

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

It is further ordered that the Cross Complainant and Respondent, Frederick A. Guenther, and the Complainant and Cross Respondent, Marie A. Guenther, be and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Frederick A. Guenther, the Respondent and Cross Complainant, pay the cost herein to be taxed, for which let execution issue.

This the 22nd day of January, 1948.

F. W. HARE,
Judge.

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

Witness my hand and seal this the 16th day of February, 1948.

Register of Circuit Court, in Equity.

MARIE A. GUENTHER,
Complainant.
VS.
FREDERICK A. GUENTHER,
Respondent.

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

This cause coming on to be heard is submitted for final decree on pleading and proof as noted by the Register; only the testimony of the Respondent and Cross Complainant is noted. I find in the file testimony (unnoted) of the Complainant. Also, there is testimony (unnoted) as to alimony and reasonable Attorney's fee. If the unnoted testimony of the Complainant were considered, I am of the opinion that she has not made out a case, and met the burden of proof resting upon. The original bill of Complaint is dismissed.

I find in the file an order of reference to ascertain alimony and Attorney's fee, but there seems to be no reference on same, or report thereof.

The testimony of the Respondent and Cross Complainant Frederick A. Guenther, is uncontradicted and makes a case for divorce on the ground of ~~MI~~ abandonment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Respondent and Cross Complainant, Frederick A. Guenther, and the Complainant and Cross Respondent, Marie A. Guenther, be and the same are hereby dissolved, and that the said Frederick A. Guenther is forever divorced from the said Marie A. Guenther, for and on account of abandonment.

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

It is further ordered that the Cross Complainant and Respondent, Frederick A. Guenther, and the Complainant and Cross Respondent, Marie A. Guenther, be and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Frederick A. Guenther, the Respondent and Cross Complainant, pay the cost herein to be taxed, for which let execution issue.

This the 22nd day of January, 1943.

F. W. HARR,
Judge.

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

Witness my hand and seal this the 16th day of February, 1943.

Register of Circuit Court, in Equity.

MARIE A. GUENTHER,
Complainant and Cross-Respondent

-vs-

FREDERICK A. GUENTHER,
Respondent and Cross-Complainant

E Q U I T Y #1100

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

Comes the Complainant and moves the Court to set aside the decree rendered in this cause January 22nd, 1948 upon the ground that same had been submitted prematurely without consent of both parties.

Risley & Risley

Solicitors for Complainant

Where motion granted & decree set aside & Complaint allowed to resubmit & file a note of testimony -

Upon reconsideration of the testimony as now noted I am of opinion that Complainant is not entitled to relief -

It is asked, a judgment and decree by the Court to the original bill of Complaint be, and same hereby is dismissed - Respondent & Cross Complainant taxed with costs -

This 26 Feb. 1948

*J. H. Stone
Judge*

MARIE A. GUENTHER

COMPLAINANT

VS

FREDERICK A. GUENTHER

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 1100

Now comes the parties hereto acting by and through their respective Solicitors of record, and agree and stipulate as follows:

1.

That the testimony of Frederick A. Guenther may be taken by Evelyn Watts as special Commissioner; that the notice of time of taking testimony, request for appointment of commissioner, the appointment of commissioner, and any and all other notices required by law to be given in the taking of testimony are hereby expressly waived.

2.

That the testimony of said witness may be taken by the said Evelyn Watts as special commissioner in the office of Hubert M. Hall at Bay Minette, Baldwin County, Alabama, on Thursday July 3, 1947.

3.

That the said testimony of the witness, Frederick A. Guenther, when so taken shall be given and accorded the same probated force as if taken in strict accordance with the requirements of law.

Dated this the 3rd day of July, 1947.


Solicitor for Marie A. Guenther


Solicitor for Frederick A. Guenther

MARIE A. GUENTHER

COMPLAINANT

VS

FREDERICK A. GUENTHER

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 1100

Now comes the Respondent, Frederick A. Guenther, and amends his answer heretofore, on May 25, 1944, filed in the above cause by adding the following:

4.

That the Respondent is a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age; that he has been a bona fide resident of Baldwin County, Alabama, for more than three years next preceding the filing of the original bill of complaint in this cause.

5.


That he and the Complainant were married at Bay Minette, Alabama, on December 27, 1934, and lived together as husband and wife in Baldwin County, Alabama, until the early part of 1944.

6.

That on to-wit, in January 1944 the Complainant voluntarily abandoned the bed and board of the Respondent and has remained away voluntarily and continuously since that time.

WHEREFORE the Respondent, Frederick A. Guenther, prays that this, together with his answer filed in this caused on May 25, 1944, be taken and accepted as his answer and cross bill; that the Complainant, Marie A. Guenther, by proper process, be given notice hereof, and required to plead, answer or demur to this cross bill, within the time and under the penalties prescribed by law and the practice of this Honorable Court.

The Respondent, Frederick A. Guenther, further prays that upon a final hearing hereof he be granted an absolute divorce forever barring the bonds of matrimony existing between him and the Complainant, Marie A. Guenther; that he prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive and as in duty bound he will ever pray.


Solicitor for the Respondent and
Cross Complainant, Frederick A. Guenther

MARIE A. GUENTHER,
Complainant and Cross Respondent

vs.

FREDERICK A. GUENTHER,
Respondent and Cross Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes MARIE A. GUENTHER, and for answer to the cross-bill heretofore filed in this cause shows:

FIRST: She admits the averments in Paragraphs Fourth and Fifth of the cross bill.

SECOND: Cross-Respondent denies the averments of the Sixth Paragraph of cross-bill and says that her separation from Cross-Complainant was not voluntary abandonment, but, on the contrary, he abandoned her bed and board of his own account, and in addition to the cruelty she alleged in the original bill, has left Cross-Respondent without means of support.

Cross-Respondent further shows that Cross Complainant is not only a skilled workman who has made for a number of years high wages in a manufacturing plant in the city of Mobile, but is also the owner of a tract of land in Baldwin County, formerly the home on which Cross-Respondent lived, and which she prays be sold and the proceeds be divided equally between the parties hereto for her support and maintenance.

Cross-Respondent further prays that an Order of Reference be made commanding the Register of this Court to ascertain and report a suitable allowance to be made to Cross-Respondent for her counsel fees in this cause and showing a further sum proper to be paid her as temporary alimony during the pendency of this litigation. Cross-Respondent further joins in the prayer of the cross bill for a decree of divorce together with such sum for alimony and counsel fees as to this Court shall seem proper.

Riskaly & Riskaly
Solicitors for Complainant and
Cross Respondent.

MARIE A. GUENTHER

COMPLAINANT

VS

FREDRICK A. GUENTHER

RESPONDENT

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

Now comes the Respondent and files this his ammended answer and cross bill to the original bill of complaint in this cause;

1.

The Respondent denies each and ever allegation contained therein, not expressly admitted, and demands strict proof of the same.

2.

The Respondent admits the allegation contained in paragraph first.

3.

The Respondent denies the allegation contained in paragraph third, fourth, and fifth and demands strict proof of the same.

4.

The Respondent further says that he and the Complainant are both over 21 years of age and residents of Baldwin County, Alabama.

5.

That he and the Complainant are husband and wife; that they married in Bay Minette on December 27, 1934;

6.

The the Complainant more than 1 year, next preceeding of the filing of this cross bill, voluntarily abandoned the bed and board of the Respondent and has remained away voluntarily and continuously since that time.

WHEREFORE the Respondent prays that this be taken as his cross bill; that the said Marie A. Guenther, be made party Respondent hereto, and required to plead, answer, or demur to the same, within the time and under the penalties precribed by law and the practice of this Honorable Court.

The Respondent further prays that upon a final hearing thereof, the Respondent, Fredrick A. Guenther, be granted a divorce forever barring the bonds of matrimony between him and the Complainant Marie A. Guenther;

MARIE A. GUENTHER,
COMPLAINANT

VS

FREDERICK ADOLPH GUENTHER
RESPONDENT

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

And now comes the Respondent, and for answer to the
Complainants Bill of Complaint, says:

1.

That he denies each and every allegation contained therein,
and demands strict proof of the same.

2.

That he admits the allegations contained in paragraph
First;

3.

That he denies the allegations contained in second,
third, fourth, fifth paragraphs, and demands strict proof of the same.

BEEBE & HALL

By *Sturges*

Solicitors for the Respondent.

THE STATE OF ALABAMA, }
BALDWIN COUNTY.

Circuit Court

TO: RHODA L. ALLEN

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do auth orize you, at such time and place as you may appoint, to call before you and examine J. E. GOODEN

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

MARIE A. GUENTHER

and FREDERICK A. GUENTHER, Complainant

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 22nd day of October, 1947

Alice J. Luck Register.

Commissioner's Fee, \$

Witness' Fees, \$

DEMAND FOR ORAL EXAMINATION.

MARIE A. CUENTHER,
Complainant,

Vs.

FREDERICK A. CUENTHER,
Respondent.

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

Filed this 1st day of Feb -

1947

Alice J. Leuck
Register.

EQUITY:- #1100

MARIE A. GUNTHER,
Complainant

vs

FREDERICK A. GUNTHER,
Respondent.

.....

COMPLAINANT'S NOTE OF
EVIDENCE.

Filed
2-2-45
Alice J. Wuch
Registrar

Re filed 26 Feb 48.
Alice J. Wuch
Registrar

ORAL EXAMINATION.

I, RHODA L. ALLEN, as ~~Register~~ Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness—and read over to him and he signed the same in the presence of myself and Elliott G. Rickarby, Complainant's Attorney, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proof made before me of the identity of said witness—; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 24th day of October, 1947.

Rhoda L. Allen (L. S.)
Commissioner

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

MARIE A. GUENTHER,
vs. Complainant

FREDERICK A. GUENTHER,
Respondent.

Oral Deposition

Filed 10-27, 1947, Register.

Recorded in _____, Register.

Record _____

Vol. _____ Page _____, Register.

110-8

MARIE A. GUENTHER
Cross-Respondent

vs

FREDERICK A. GUENTHER
Cross-Complainant

ANSWER TO CROSS-BILL.

RECORDED

*paid out 12-1940
Richard
Guenther*

RICKABY & RICKABY
Solicitors

Received in Sheriff's Office
this 21 day of May, 1947
TAYLOR WILKINS, Sheriff

Executed May 22 1947
by serving copy of within Summons and
Complaint on

Elmer E. Orick

Taylor Wilkins Sheriff
By W. F. Ward Deputy Sheriff

1143

Marie A. Guenther

Complainant

VS

Frederick A. Guenther

Respondent

RECORDED

Amended Answer and Cross Bill

FILED

MAY 21 1947

Alice J. Dova, Registrar

MARIE A. GUENTHER

COMPLAINANT

VS

FREDERICK A. GUENTHER

RESPONDENT

RECORDED

WALVER

filed

7-3-47

*Miss [unclear]
Gray*

UNITED STATES
DEPARTMENT OF JUSTICE

MEMORANDUM FOR THE ATTORNEY GENERAL

DATE: 2-2-48

TO: THE ATTORNEY GENERAL

FROM: [Illegible]

[Illegible text]

Filed
2-2-48
Aug. Secy
Reg -

[Illegible text]

1100

RECORDED

Marie Guenther

VS

Fredrick A. Guenther

Amended answer and
cross bill

Filed July 15-1946
R. Guenther
R. Guenther

1100

MARIE A. GUENTHER,
COMPLAINANT

VS

FREDERICK ADOLPH GUENTHER
RESPONDENT

ANSWER.

*Answer filed 25-1-1944
for the plaintiff*

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

MARIE A. GUENNER

Complainant

VS.

FREDERICK A. GUENNER

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

RHODA L. ALLEN,

WITNESSES:

J. E. GOODEN

MICHAEL J. CONNERY



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& SONS
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CHICAGO 24

JOHN C. CONNERY, ATTORNEY



Information, Tickets,
Reservations
AIR, RAILROAD, BUS &
STEAMSHIP LINES

Mrs. Alice J. Duck, Register
Circuit Court - Baldwin County
Bay Minette, Alabama

October 29, 1947

Dear Mrs. Duck:

We received your "Commission to Take Depositions"
in the case of Marie A. Guenther vs. Frederick A. Guenther.

We enclose Mrs. Guenther's answers to the questions
submitted, together with a letter written by Mr. Guenther to
Mrs. Guenther in October, 1934. Mrs. Guenther has requested
that this letter be returned to her when it has served its
purpose in this matter.

We trust you will find the enclosed satisfactory.

Yours very truly,

M. J. CONNERY & SONS

TJC/fk

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,
BALDWIN COUNTY

No. 1100.

CIRCUIT COURT BALDWIN COUNTY

April.

TERM, 1944

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon Frederick Adolph Guenther.

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Frederick Adolph Guenther. Respondant.

by Marie A Guenther.

Complainant.

Witness my hand this 19th day of April. 1944

R. L. Duck Register.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed _____ 194_____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

4/20

1944

W. H. Holcombe

Sheriff

I have executed this summons

this 4/26
by leaving a copy with

1944

*Frederick Adolph
Guenther*

W. H. Holcombe

Sheriff

Mose Bernstein

Deputy Sheriff